

A
ASN 268/2
COLLECTION
OF THE
PRIVATE ACTS
OF THE
GENERAL ASSEMBLY
OF THE

STATE OF NORTH-CAROLINA, ^{North}

^[Coll. of Laws of N.C.]
FROM THE YEAR 1715, TO THE YEAR 1790, INCLUSIVE,

NOW IN FORCE AND USE.



NEW BERN:

FRANCOIS-XAVIER MARTIN.

1794.

21 JY 60

06 JY 60

W. L. RICHARDSON

Extracts from the Journals of the General Assembly.

IN THE HOUSE OF COMMONS, 4th JANUARY, 1794.

YOUR Committee appointed to inquire into, and report on, the expediency of publishing the *Private Laws* of this State, and the means of obtaining such a publication—

Report, That they think it absolutely necessary, that these laws should be collected and placed within the reach of every individual: that, they have conversed with *Francois-X. Martin*, of *Newbern*, Attorney at Law, who is both able and willing to serve the public in this instance, and they do recommend the following resolve—

Resolved, that *Francois-X. Martin*, of *Newbern*, Attorney at Law, be directed to publish into well bound volumes the *Private Acts* of the General Assembly, omitted in the revival of Judge *Iredell*; and that he furnish the State, with one hundred copies thereof; delivering one copy for every court of record in each district, to the Clerk of each Superior Court in this State and the remainder into the Secretary's office.

That the Secretary from time to time do furnish the said *F. X. Martin* with the copies of such laws—And

That the Treasurer of this State, pay to the said *F. X. Martin*, when he shall produce the receipts of the said Clerks and Secretary of State, at the rate of three pounds for every such copy. All which is submitted.

J. HAMILTON, Chairman.
J. LEIGH, S. H. C.

Resolved, that the House do concur with this report.

By order, J. HUNT, C. H. C.

IN THE SENATE, 7th JANUARY, 1794.

The foregoing report and resolution were read and concurred with.

By order, S. HAYWOOD, C. S.

W. LENOIR, S. S.

PRIVATE ACTS.

H. GEORGE I. From the 17th of November, 1715, to the 19th of January, 1715, O. S.

CHAP. I. *An Act, for appointing a Town in the County of Bath, and for securing the Public Library belonging to St. Thomas's Parish in Pamlico.*

I. *Be it enacted, that the said Mr. John Lawson, Mr. Joel Martin, and others, a certain tract or parcel of land, purchased by them, lying on the Old Town Creek, in Pamlico, and containing, by estimation, sixty acres, or less, being part of a larger tract then belonging to David Perkins, but now in the possession, and of right belonging, to Col. Thomas Cary, and divided from thence by a line of marked trees from the Old Town Creek, to the River's line, now also the right and possession of the said Cary, was incorporated and made a township, by an act of the General Assembly, made and ratified, at the house of Captain John Hecklefield, the eighth day of March, Anno Domini one thousand seven hundred and five, with divers privileges and immunities therein, and thereby invested in the said John Lawson, Joel Martin, and Nicholas Daw, to and for the uses therein mentioned: to promote therefore the settlement of said town, and for securing the public library of St. Thomas's parish, in Pamlico.*

II. *Be it enacted by his Excellency the Patience, and the rest of the true and absolute Lord Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Little River, for the North East part of the said Province, and it is hereby enacted by the authority of the same, that the said land be, and it is hereby henceforward invested in Mr. John Porter, Mr. Joel Martin, Mr. Thomas Harding, and Capt. John Drinkwater, or any two of them, to and for the uses aforesaid, and declared, confirmed, and incorporated into a township, by the name of BATH TOWN: with all privileges and immunities hereafter expressed, for ever.*

III. *Pursuant to which, it is hereby enacted, that convenient places and proportions of land be laid out and preserved, for a church, a town house, and a market place; and that the rest of the land which is not already laid out, be forthwith laid out into lots, of half an acre each, with convenient streets and passages, by the said trustees, or any two of them.*

IV. *And be it further enacted, by the authority aforesaid, that every person whatsoever, who is desirous to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up; which lot or lots the commissioners aforesaid, or any two of them, are hereby directed, required, and empowered, to grant, convey, and acknowledge, to the person so taking up the same, and to his heirs and assigns, for ever, in fee-simple, upon payment of thirty shillings, consideration money, for each lot; out of which money the first purchasers shall be reimbursed the first purchase, with their reasonable charges and disbursements, and the overplus shall be appropriated to the use of the church, to be disposed of as by the vestry of the precinct of Beaufort, shall, from time to time, be directed and appointed.*

V. *Provided always, that what person soever, shall take up, and have conveyed to him, any lot or lots as aforesaid, and shall not build, or cause to be built thereon, within twelve months after the date of the said conveyance, a good, substantial, habitable house, or make such preparations for so doing as the court of the precinct, by view of any two or more of the Justices shall judge reasonable to secure the same, every such conveyance shall be, and is hereby declared void and of no effect, as if the same had never been made; and the said lot or lots shall be free and clear for any other person to take up and purchase.*

VI. *And be it further enacted, by the authority aforesaid, that from and after the first day of April next, no person or persons whatsoever, inhabitant, or claiming any right or title to any lots in the said town, shall keep, raise or permit or suffer to run at large in the said town, any hogs or shoats, under the penalty of forfeiting the said hog or shoat; one half to the person taking up such hog or shoat, and the other half to the poor of the parish; and that no person, inhabitant of the said town, or holding lots there, shall inclose the same, or keep the same inclosed, under a common stake fence; but every lot or lots inclosed, shall be either paled in, or done with posts and rails.*

VII. *And be it further enacted, by the authority aforesaid, that the commissioners aforesaid, or any two of them, have power and full authority, and they are hereby empowered and required, to remove all nuisances within the limits of the aforesaid town.*

VIII. *And because in the former survey of the lots that are already surveyed, each lot contains four pole more than was warranted by the act of Assembly for laying out the aforesaid land, and the trustees for granting the aforesaid lots having signed sales for the lands lying before the fronts of the lots, contrary to the authority granted them: wherefore, that the same may be regulated, and a plat thereof made so as the streets in the said town may answer with the lots intended to be laid out of the land belonging to Col. Thomas Cary, adjoining thereto; Be it enacted*

that a re-survey be made of the aforesaid town land, by order of the commissioners aforesaid; and that each and every person holding lands or lots in the town aforesaid, shall have no more in their lots than just half an acre, pursuant to the first intention and design of settling the aforesaid town, still reserving to the owners or possessors of all lots in the aforesaid town, the land lying before the front of their lots, upon payment of ten shillings for every front, to the Commissioners in this act appointed; who are hereby authorized and required, to grant, seal, and deliver deeds of sale for the same.

IX. *Provided always*, that the principal streets in the said town shall be one hundred feet wide at least; and that no person shall build or erect any edifice, house, or building, on the lands before the fronts, other than cellars or vaults, whose covering shall not be above ten feet above the ground, that the prospect of such as build in the said town may not be incommoded or hindered.

X, XI, XII, and XIII, *Obsolete.*

XIV. And whereas divers persons possessed of lots in the said town do neglect clearing the same, and others do permit such as have been cleared to grow up with brush and under-wood, to the great annoyance of the inhabitants of the said town: *Be it enacted, by the authority aforesaid*, that all persons, possessors or owners of lots in the said town, shall, and they are hereby obliged, within one month after the ratification of this act, to clear all such lots so held or possessed by them, from all manner of wood, under-wood, brush, or grubs, that are, or may be offensive to the inhabitants of the said town, and shall so keep the same, from time to time, and at all times hereafter, as often as need shall require; under the several penalties and forfeitures hereafter in this act provided.

XV. *And be it further enacted, by the authority aforesaid*, that all and every proprietor owner and possessor, of any lot or lots in the said town, who shall omit to clear the same within the time before limited, shall be liable and obliged to pay the full value of the charge of clearing the said lots, to the trustees or commissioners aforesaid, who are hereby appointed, authorized, and empowered, to cause all such lots to be cleared as shall, after the time before limited, lie uncleared and neglected; the value of which work shall be adjudged by two freeholders, inhabitants of the said town (being first sworn before some Magistrate) and shall be recoverable in any court of record within this government, or before Justices of the Peace, if under the sum of forty shillings, as in the act for small and mean causes is provided, by bill, plaint, or information; wherein no essoin, protection, injunction, or wager of law, shall be allowed or admitted of. *The rest Obsolete. See 1729, 7; 1745, 11; 1785, 45.*

CHAP. LXIV. *An act empowering Johanna Peterson, widow of Thomas Peterson, late of Albemarle county, Esq, to make sale of certain lands, late belonging to the said Thomas Peterson; and to make other provision for Anna, the daughter of the said Thomas Peterson, to whom the said lands do descend.*

I. **W**HEREAS Thomas Peterson, late of Albemarle county, Esq; died seized and possessed in his demesne, of fee, of, in, and to a certain plantation or tract of land, lying in the fork of Queen-Anne's creek, in Chowan precinct, containing by estimation four hundred acres, be the same more or less, butted and bounding to the eastward on the town land, and to the westward on Slocumb's creek; and also of, in, and to, one half acre or lot of land in Bath town, butting and bounding to the southward on the lot of Col. Christopher Gale, and to the northward on one of the cross streets; which said plantation and lot of land do descend unto Anna, an infant, the daughter of the said Thomas: and whereas Johanna the mother of the said Anna, by her petition preferred to this assembly, is very willing, for the advancement of the said Anna's portion, to relinquish her right of dower of, in, and to the said lands and lot, provided that the same lands and lot may be sold, to and for the use, benefit, and interest of the said Anna, the said lands and lot now having considerable improvements thereon, which makes them valuable, which otherwise will be very much impaired and ruined before the said Anna shall come of age: wherefore

II. *Be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lord Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly now met at Little River, for the North East part of the said Province, and it is hereby enacted by the authority of the same*, that the said Johanna be, and she is hereby empowered, to bargain, sell, alien, entfeoff, and transfer the said plantation or tract of land lying in the fork of Queen Anne's creek, in Chowan precinct, containing by estimation four hundred acres, be the same more or less, butting and bounding to the eastward on the town land, and to the westward on Slocumb's creek; also one half acre or lot of land in Bath town, butting and bounding to the southward on the lot of Col. Christopher Gale, and to the northward on one of the cross streets; or any part or parcel of the same, to any person or persons that shall be willing to give most money for the same; to have and to hold the same to such purchaser or purchasers, his or their heirs and assigns, for ever.

III. And for the better securing the money arising by such sale, to and for the use, benefit, and interest of the said Anna, her heirs and assigns; *It is hereby further enacted*, that immediately at and upon the sale of the aforesaid plantation, or tract of land, and lot, or any part of the same, the said Anna shall stand and be seized in her demesne, as of fee, of, in and to one certain plantation or tract of land, whereof the said Johanna is and now stands seized and possessed of, in Perquimons precinct, containing by estimation one hundred and seventy acres, be the same more or less, situate, lying, and being, on Castleton's or Laker's creek, butting and bounding on the lands of Inliana Lakers and Richard Skinner; to have and to hold the same plantation or tract of land, to her the said Anna, her heirs and assigns, in fee-simple; with condition, that if the said Johanna do pay the monies arising by such sale to the said Anna, at and

upon her arrival to the age of eighteen years, or day of marriage, or otherwise appropriate the monies arising by the sale of the aforesaid plantation or tract of land at the fork of *Queen Anne's* creek, and lot aforesaid, by purchasing young female slaves for the use of the said *Anna*; then the aforesaid estate of the said *Anna*, of, in, and to the aforesaid mentioned plantation or tract of land in *Perquimans* precinct, to be invalid; and of no force or effect.

CHAP. LXV. *An act confirming the titles of sundry persons who have, or hereafter may, purchase lands of Col. Thomas Cary, in Bath county.*

I. WHEREAS Col. *Thomas Cary* taking up and purchasing divers lands and plantations in *Bath* county, the deeds or patents passed for the same have been taken in the name of *John Cary*, an infant, son of the said *Thomas*, although the purchase money, or consideration paid for the same, was actually and bona fide the monies of the said *Thomas*, and by him, the said *Thomas*, paid; and whereas the said *Thomas Cary* having bargained, sold, aliened, and transferred unto divers persons, and their heirs, several tracts or parcels of land, in *Bath* county aforesaid, and is intended to bargain, sell, and transfer the remaining part of the aforesaid lands in *Bath* county: wherefore, for avoiding disputes that may hereafter arise concerning the aforesaid title, taken in the aforesaid *John Cary's* name, and for easing and quieting the minds of such persons as have purchased the same, or may hereafter purchase from the said *Thomas Cary*, and pursuant to the petition of the said *Thomas Cary*.

II. Be it enacted by his Excellency the *Palatine*, and the rest of the true and absolute *Lord Proprietors* of the Province of *Carolina*, by and with the advice and consent of the rest of the members of the General Assembly, now met at *Little River*, for the North East part of the said province, and it is hereby enacted, by the authority of the same, that all and singular the bargains, sales, alienations, and conveyances, already made and passed, or hereafter to be made and passed, by the said *Thomas Cary*, unto any person or persons whatsoever, their heirs and assigns, of, in, and to any of the lands, tenements, and plantations, in *Bath* county, which lately were, or now are, in the possession or occupation of the said *Thomas Cary*, and for which deeds or conveyances have been made and passed to and for the use of the said *John Cary*, an infant, son of the said *Thomas Cary*, or in the name of the said *John*, shall stand, be, and for ever remain, firm and available in law and equity, to such purchaser or purchasers, their heirs and assigns, having, or hereafter to have, from the said *Thomas Cary*, any bargains, sales, alienations, or conveyances for the same; and any such deeds of sale, conveyance, or alienation formerly made in the said *John Cary's* name, or to or for his use and behoof, notwithstanding.

VI GEORGE I. From the 2d, to the 20th of August, 1720. O. S.

CHAP. VI. *An Act, to confirm a decree made in the Court of Chancery of this Province, upon a bill of complaint exhibited by William Duckenfield, Esq.*

I. WHEREAS at a court of chancery, held the eleventh day of May, one thousand seven hundred and thirteen, upon the complaint of *William Duckenfield, Esq.*; a decree was passed in these words, viz.

NORTH-CAROLINA, II.

At a Court of Chancery held at the house of Capt. *Thomas Lee*, in *Chowan* Precinct, on Monday, May the 11th, Anno Domini 1713.

P R E S E N T,

The Honourable *THOMAS POLLOCK, Esq.* PRESIDENT,

The Honourable {	<i>Thomas Boyd,</i>	} Esqrs.	Lords Proprietors
	<i>William Reed,</i>		
	<i>Chr. Gale,</i>		
	<i>Tobias Knight,</i>		
			Deputies.

Upon reading the bill of complaint of *William Duckenfield*, of the precinct of *Chowan, Esq.* this day, therein setting forth, that he, the said *William Duckenfield*, about sixteen years last past, was, and yet is, lawfully seized, in his demesne, as of fee, of and in one large tract or parcel of land, in the precinct aforesaid, containing by estimation four thousand acres, bounding on *Albemarle* sound eastward and on *Salmon* creek westward, and being thereof so seized, one *John Arderne, Esq.* coming into this government, and being something related to him the said *Duckenfield*, by intermarriage, and the said *John Arderne* being in low circumstances, and not in possession of any visible estate, he the said *Duckenfield*, the better to give credit and reputation to him the said *Arderne*, and to put him in possession of a visible estate, thereby to advance himself, upon especial trust and confidence which he then reposed secretly in the said *Arderne*, by his deed, sufficient in the law, bearing date the thirty first day of July, Anno Domini 1702, did grant, bargain, and sell, unto the said *Arderne*, the aforesaid tract or parcel of land containing, four thousand acres; to have and to hold the same unto him the said *Arderne*, his heirs and assigns, for ever: which said deed mentions, that the same was for and in consideration of the sum of two hundred pounds in hand paid, when in truth the said two hundred pounds was not paid, nor any part or parcel thereof, nor intended to be paid, nor indeed could the said *Arderne* pretend to pay the same; but the said deed was passed for no

other reason than what is above alledged : and further, that the said deed was not only meant and intended to be in trust, to the use of him the said *Duckenfield*, Esq. but, at the above time of making thereof, it was so declared and expressed, as well by the said *Duckenfield*, as by the said *Arderne*, in presence and hearing of divers witnesses, and not to the use of the said *Arderne*, other than that in case the said *Arderne* should outlive him, &c. And further, that the said *John Arderne* did, as well at the signing the said deed as at divers times since, declare to divers persons, that he did not pay the two hundred pounds, and that the same deed was passed to him for no other use, intent, or trust whatsoever, than that the same should absolutely return to him the said *Duckenfield*, in case he should outlive the said *Arderne*; and also, that the said *Arderne*, willing to make known to the world the many and uncommon favours which he had received from him the said *Duckenfield*, by his last will and testament, in writing, bearing date the 22d day of *October*, 1707, doth make ample mention of the same, and that his intention was, to give all his estate, both real and personal, that he was possessed of, or should have right to, to him, which he confirms by divers asseverations in the said will mentioned, as by the same will and may appear : notwithstanding which, divers persons, injuriously designing to bring in question his the said *Duckenfield's* title to the aforesaid four thousand acres of land, although he was never out of possession thereof, do give out, that the fee simple of the said land is not in him, but in the heirs of the said *John Arderne*, and the trust reposed by him the said *William Duckenfield* : and forasmuch as the said deed, in writing, is absolutely without any use declared or expressed therein, and without any trust in the same mentioned, and that the aforesaid will of the said *John Arderne* doth not make express mention, that the same four thousand acres, commonly known by the name of *Sabon creek*, were given, devised, and bequeathed, unto him the said *Duckenfield*, and his heirs, for lack and want of knowledge in the law of the said *John Arderne*, how to use apt and express words for the granting and conveying the same back again to him, pursuant to the trust reposed in the said *John Arderne*, although the intent and meaning of the said *Arderne* so to do may be sufficiently proved and observed; and the said *John Arderne* being now dead, who could make appear that the allegations in this bill of complaint are true and certain, and divers evidences or witnesses, as well to the said deed, who could prove the aforesaid use or trust declared, and divers other witnesses which he could have produced to prove the same, are some dead, others removed to parts unknown, some aged and impotent, and living far off, and not able to travel to this court, and others being transient persons, &c. do therefore pray, that a commission may be issued out this of court, directed to such persons as may be thought fitting, to examine such witnesses, *in perpetuam rei memoriam*, as shall be produced by him the said *Duckenfield*, for the proof of the aforesaid use or trust, &c. or also that by the decree of this court, he may be relieved in the premises, and the fee-simple of the aforesaid land be adjudged and decreed to him, &c. And upon reading the several depositions taken by virtue of the aforesaid commission out of this court, as also the will the said *John Arderne*, and upon due and mature consideration thereon, this court are of opinion, that the said deed mentioned in the said bill was made only in trust, and that no consideration was ever paid and satisfied, or intended to be paid or satisfied, for the same; and it is the opinion of this court likewise that the said *John Arderne's* intent and design, by his last will and testament, was to give and bequeath the same lands back again to him the said *William Duckenfield*, and his heirs forever, although express mention thereof be not made therein.

WHEREUPON this Court do declare, adjudge, order and decree, that the aforesaid deed be null and void, and that the aforesaid four thousand acres of land do revert, come, and remain unto the said *William Duckenfield*, Esq. and to his heirs and assigns, for ever, without the least lett, molestation, or hindrance of any person or persons, claiming from, by, or under the aforesaid *John Arderne*, or his heirs, executors, administrators, or assigns, or any from or under them, or either of them.

Ordered, decreed, and entered, by us, and our order, the above-said 11th day of May, Anno Domini 1713.

Which decree, upon the prayers of the said *William Duckenfield*, having been carefully and duly considered by this Assembly;

II. BE it enacted by his Excellency the Palatine, and the rest of the true and absolute Lord Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at the general court-house, at Queen Anne's creek, in Chowan precinct, for the North East Part of the said province, and it is hereby enacted by the authority of the same, that the decree, upon the bill of complaint of *William Duckenfield*, Esq. recited, passed, and inrolled in the court of chancery, the eleventh day of May, one thousand seven hundred and thirteen, and every part and parcel, article and clause therein contained, shall be and remain firm and available in law and equity, to all intents and purposes whatever contained therein, without being liable to any bill of reverse, or other process whatever to reverse and annul the same.

IX. GEORGE I. The 23d of November, 1723. O. S.

CHAP. XIII. An Act for the better settling the town of Newbern, in the precinct of Craven.

I. WHEREAS a certain plot of ground, being part of a tract of land, lying in the fork of Neuse river, late belonging to the Honourable Colonel *Thomas Pollock*, deceased, but now the property of Mr. *Cullen Pollock*,

was formerly laid out into a township by the name of *Newbern*, with proper allotments for a church, court-house, and market-place; as by a plot or draught, upon record in the Clerk's Office of *Craven Precinct Court*, will more plainly appear: Therefore, for the advancement of the said town,

II. *Be it enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Edenton, for the North East part of the said Province, and it is hereby enacted, by the authority of the same, that the said land, as it is already laid out by the said draught, together with as much other land lying contiguous and most convenient to the said town, to compleat a township, as shall make the whole two hundred and fifty acres, reserving to the owners thereof the property of such lots as are sold already by William Hancock, attorney of the said Col. Thomas Pollock, is hereby and henceforward invested in Mr. Cullen Pollock, Mr. William Hancock, Jun. and Richard Graves or any of them, for the use aforesaid, declared, confirmed, and incorporated into a township, by the name of Newbern, with all privileges which ever have belonged to the said town, or shall hereafter be expressed, for ever.*

III. Pursuant to which, *It is hereby enacted by the authority aforesaid, that the places already laid out for a church, court-house and market place, be reserved for those uses; and that the rest of the land not already laid out be forthwith laid out into lots of half an acre each, with convenient streets and passages, with fronts belonging to the said lots, by the said trustees, or any of them. § 4, 5, 6, 8, and 9, provided for by 1756, 12.*

VII. *And be it further enacted by the authority aforesaid, That if any person or persons shall die possessed of any of the said lot or lots, without leaving heirs, or without making of a will of the said lot or lots, that then, and in such case, the absolute fee shall come and revert unto the said Cullen Pollock, his heirs and assigns, forever; notwithstanding any thing contained in an act, intitled, *An act concerning escheat lands and escheators*, or any other law, custom, or usage, to the contrary. *N. C. L. 1715, 33, 16.*

III GEORGE II. The 27th of November, 1729. O. S.

CHAP. II. *An act for the more quiet settling the bounds of the Meherrin Indians Lands.*

I. **W**HEREAS complaint is made by the *Meherrin Indians*, that the *English* people disturb them in their settlements, by coming to inhabit and tend corn among them; and also, that their bounds allowed by order of council dated *October* the twenty sixth, one thousand seven hundred and twenty six, did not extend high enough up from the fork of *Meherrin Neck*: for remedy whereof,

II. *Be it enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Edenton, for the North East part of the said Province, and by the authority of the same, that the said order of council be vacated, and that the Indian bounds and limits shall be extended as followeth, viz. beginning at the mouth of Meherrin river, and so up the river to the mouth of Horse Pasture creek formerly called Indian creek; then by the said creek up to the fork of it; then by the North East branch thereof to the head of the same; then by a straight line across to Chowan river, by the upper line of Mulberry old field survey, to Samuel Powers's lands; then along the various courses of the river, to the first station.*

III. *And be it also enacted, by the authority aforesaid, that all English people, or any other, living in the said bounds, shall move off, and that no person but the said Indians shall inhabit or cultivate any lands within the limits aforesaid, while the said Indians remain a nation, and live thereon: and if any person shall offend against this act, on complaint made to Mr. John Boude, who is hereby appointed a commissioner for the said Indians, he shall grant his warrant to the constable, requiring him with aid (if need be) to remove such person, at or before the twenty fifth of December next ensuing; and any person refusing to remove, shall be brought before the said commissioner, and upon his conviction of the same, shall forfeit, for the first offence, five pounds: and if he still persist, and refuse to go off from the said lands, after warning from the commissioner, or by his order, for the second offence shall forfeit the sum of ten pounds, and for the third time of his so offending shall forfeit twenty pounds, and two months imprisonment, and give security for his or their good behaviour: to be recovered by bill, plaint, or information, in any court of record in this government; wherein no essoin, protection, or wager of law, shall be allowed or admitted of.*

IV. *And be it further enacted, by the authority aforesaid, that the said commissioner is hereby impowered and ordered to re instate and settle the said Indians, in giving them peaceable possession of the said lands, and to turn off any other person or persons inhabiting within the said bounds, unless such person have special leave from the Governor and council, for continuing thereon; provided that this act shall not invest the fee-simple of the said lands in the Indians, but such as have patents for the same, or any part thereof, their title shall be good and valid; neither shall the said Indians have liberty or leave to rent, sell, or any ways dispose of the said lands.*

CHAP. VII. *An act to confirm Bath town common.*

I. **W**HEREAS a tract of land, adjacent to *Bath town*, was granted and surveyed for a common, for the use of the said town, and is bounded as followeth, viz. beginning at a marked pine at the east branch of the old

town creek, running up captain *Barrow's* line to a bound oak, west eight degrees north, two hundred pole; thence to a marked pine at *David Perkins's* corner, north eight degrees east, one hundred and three pole; thence to a hickory at the branch, north ten degrees east, one hundred and seventy two poles; thence down the windings of the branch and creek to the first station; which said land contains one hundred and forty five acres, but the title thereof hath never been fully confirmed:

II. *Be it therefore enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of this General Biennial Assembly, now met at Edenton, for the North East part of the said Province, and it is hereby enacted by the authority of the same, that the said land shall be, and is hereby appointed a common, to lie perpetually for the use and benefit of the inhabitants of Bath town, under such restrictions and regulations as is or shall be appointed for town commons; and that the inspection and immediate care of looking after the said common, be in the commissioners of the said town for the time being,*

XII GEORGE II. The 6th of March, 1738. O. S.

CHAP. XI. *An act for appointing a town on the plantation where William Webster now dwelleth in Hyde county, on the west side of Matchapungo river.*

I. **WE** pray that it may be enacted, *and be it enacted, by his Excellency Gabriel Johnston, Esq. Governor, by and with the advice and consent of his Majesty's Council and General Assembly of this Province, and by the authority of the same, that all the land from a creek next to William Denmark's, running to another creek next to Richard Lenthmonts, on a direct line on the river side, running from the high land on each creek, one hundred yards back, on a direct line, is hereby declared to be a township, by the name of Woodstock, with all privileges and immunities, hereafter mentioned and expressed, for ever; and that the property of the said plantation or township be, and it is hereby henceforward invested in Samuel Sinclair, gentleman, Mr. William Harris, and Mr. John Smith, or any two of them, who are hereby impowered to lay out the said land into lots, of half an acre each, with convenient streets, not less than sixty feet wide.*

II. *And be it further enacted, that Mr. John Smith be, and is hereby appointed treasurer and receiver of all such sum and sums of money, which shall arise on the sale of the said lots, for the use hereafter mentioned; and on the death or departure out of the government, or refusal of the said treasurer to act, then the next succeeding commissioner or trustee shall officiate in his stead and place, and shall give security to the Justices of the court, that he will be accountable for the money he shall receive by virtue of this act.*

III. *And be it further enacted, that every person whatsoever, who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up; which lot or lots the said commissioners, or any two of them, are hereby directed and impowered to grant, convey, and acknowledge, to the person or persons so taking up the same, and to his or their heirs and assigns, for ever, in fee simple, upon the payment of forty shillings current money; and the said consideration money shall be paid unto William Webster, the proprietor of the said land, his heirs, and assigns,*

IV. *Provided always, that if any person whatsoever shall take up, and have conveyed to him, any lot or lots as aforesaid, and shall not build, or cause to be built thereon, within two years after the date of the said conveyance, a good, substantial, habitable house, not of less dimensions than twenty feet in length, and fifteen feet wide, besides sheds or lean-toes, or make preparation for so doing, as the court of the said county, by view of any two or more of them, shall judge reasonable to secure the same, every such conveyance shall be, and is hereby declared void and of none effect, as if the same had never been made; and that the said lot or lots shall be free and clear for any other person to take up and purchase, on the conditions aforesaid,*

V. *Provided also, that all monies, arising by the second or other sale of the said lots, shall be, and is hereby appropriated and applied, for the building of a church; and what shall be more than will build the said church, shall be applied to such other uses as the said commissioners, or the major part of them, shall think fit, for the encouragement of the said town.*

VI. *And be it further enacted, by the authority aforesaid, that the commissioners, or any two of them, shall have power and authority, and they are hereby required and impowered, to remove all nuisances within the limits of the said town; and that no person, inhabitant of the said town, or holding lots there, shall inclose the same, or keep the same inclosed, under a common stake fence, but every lot therein shall be paled in, or done with posts and rails set up.*

VII. *Obsolete.*

VIII. *And be it further enacted, by the authority aforesaid, that all persons, possessors or owners of lots in the said town, shall, and they are hereby obliged, within two years next after the ratification of this act, to clear all such lots by them held and possessed, from all manner of wood, underwood, brush and grubs, that are or may be offensive to the said inhabitants, and shall so keep and maintain the same, from time to time, and at all times, hereafter, under the penalty of ten shillings per month; to be recovered by a warrant from one Justice of the Peace: one half to the informer, and the other half to the commissioners, for the use of the said town.*

IX. *And be it further enacted, by the authority aforesaid, That in case of the death, or departure out of the govern-*

ment, of any of the said commissioners, at any time hereafter, the remaining commissioners, together with the Justices of the county court, are hereby authorised and empowered to make choice of some other person or persons, to succeed such commissioner or commissioners so dying or departing as aforesaid, which person or persons so elected and chosen, shall be, and they are hereby invested with as much power and authority, to all intents and purposes whatsoever, as the present commissioners herein appointed are invested with, by virtue of this act.

X. *And be it further enacted, by the authority aforesaid, that the commissioners are hereby empowered to make choice of one acre of ground in the said town, wherever they shall think fit, and most convenient, for a church and church yard.*

XIV GEORGE II. The 21st of August, 1740. O. S.

CHAP. II. *An act to enable the commissioners herein after appointed to erect and finish a church in Newbern, in Craven county and Parish, in the Province aforesaid, and for the better regulating the said town, and other purposes therein mentioned.*

The first part of this act, relating to building the Church, has had its effect.

XII. **A**ND whereas in and by the aforesaid act of assembly, there was a lot laid out in the said town for a church, which said lot being insufficient, and not so commodious for the said use; and all the adjacent lots being taken up and saved, wherefore the said vestry have taken up four lots, more convenient and commodious, for erecting a church, and for a church yard, and other parish uses: *Be it therefore enacted by the authority aforesaid, that as soon as the said church, shall be fit to celebrate divine service in, the said four lots shall be saved to the parish for the purposes aforesaid, in as full and ample a manner, as if the said parish had erected a house on each of the said lots, of the quality and dimensions prescribed by the said act for saving lots in the said town.*

XIII. *And be it further enacted, by the authority aforesaid, that the commissioners aforesaid are hereby empowered and directed to make sale and dispose of the abovementioned lot, at public vendue, after four days notice given, and to apply the money, arising from such sale towards the building of the said church: any law to the contrary in any wise notwithstanding.* 1723, 13, 4.

CHAP. IX. *An act to exempt the inhabitants of Bath town from working on the public roads, and to oblige the said inhabitants to clear and keep the streets of the said town clear and in good order.*

I. **W**HEREAS there is no provision made by any law of this province, to oblige the inhabitants of Bath town to clear and keep clear the streets of the said town:

II. We pray that it may be enacted, *and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's council, and the General Assembly of this Province, and it is hereby enacted by the authority of the same, that from and after the ratification of this act, it shall and may be lawful for the Justices of Beaufort, yearly, to appoint some proper person, inhabitant of the said town, overseer of the same; which overseer so appointed shall, as often as there shall be occasion, summons the male tithable inhabitants of the said town, to clear the streets thereof, and remove any nuisance or nuisances within the said town: And if any such male tithable inhabitant shall fail or refuse to appear on such summons, and work in the said town, at such times and places as the said overseer shall direct, such person so neglecting or refusing, shall forfeit and pay the sum of two shillings and sixpence, proclamation money, for every day he shall so neglect or refuse; to be recovered by a warrant from any justice of the peace of the said county, and applied to the use of employing persons to work and keep the streets of the said town clear and in good order.*

III. *Provided for by 1745, 11, 9.*

XV GEORGE II. The 4th of April, 1741. O. S.

CHAP. XII. *An act, for appointing and laying out a town on or near Mittam's point, on the South side of New-River, in Onslow county, by the name of Johnston.*

I. **W**HEREAS the inhabitants of Onslow county, have petitioned for an act for appointing a town on Mittam's point, on the south side of New-river, and that commissioners may be appointed to lay out the lots in the said town, and to dispose of them in manner in the said petition mentioned; and for laying a levy, for building a court-house and jail, for the said county:

II. We pray that it may be enacted, *and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted, by the authority of the same, that as soon as the proprietor of the land on the said point shall acknowledge his or her consent and concurrence, in open court of the said county, to have such part of the said land laid out for a town as here-*

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in after is directed, it shall and may be lawful for *Samuel Johnston, John Stankey, Jonathan Freshman, Samuel James,* and *James Foil*, Esquires, who are hereby nominated and appointed commissioners, with full power and authority, to lay out one hundred acres of land, at the said *Mittam's* point, for a town by the name of *Johnston*; and they, or the major part of them, are hereby directed and impowered, to lay out one hundred acres, at and adjoining the said point, into lots of half an acre each, with convenient streets, and a square for public buildings.

III. *And be it further enacted, by the authority aforesaid, that when the commissioners, or the major part of them, have laid out the said town into lots and streets as aforesaid, every person whatsoever, who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up; which lot or lots the commissioners before appointed, or the majority of them, are hereby impowered to grant, convey and acknowledge, to the person or persons so taking up the same, and his heirs and assigns forever, in fee simple, upon the payment of ten shillings, proclamation money, or the value thereof in currency, to the treasurer herein after named.*

IV. *And be it further enacted, by the authority aforesaid, that James Foil, Esq; be, and is hereby appointed treasurer and receiver of all such sum and sums of money which shall arise by the sale of the said lots, for the uses hereafter mentioned; and on the death or departure out of the government of the said treasurer, the said commissioners, or the major part of them, shall appoint some other person treasurer, in the place of the said treasurer.*

V. *And be it further enacted, by the authority aforesaid, that the treasurer herein appointed, and every treasurer that shall or may be hereafter appointed by the commissioners as aforesaid, shall give security to the county court, that he shall and will account with, and pay in all the monies he shall receive by the sale of all and every the lot and lots that shall be sold yearly, on the twenty fifth day of March, to Mr. Hope Dexter, or the proprietor of the said land.*

VI. *Provided always, that if any lot or lots shall be granted and conveyed, by the said commissioners, to any person or persons whatsoever, who shall not, within two years, build a good substantial habitable framed house, not of less dimensions than twenty four feet in length, and sixteen feet wide, besides sheds or lean-tos, or make such preparation for so doing, as the commissioners, or the major part of them, shall, on view, think reasonable, such grant or conveyance shall be void, and it is hereby declared void and of none effect, as if the same had never been made; and the commissioners may grant and convey such lot or lots which shall not be built on within the time, and in the manner as is herein before directed, to any other person or persons applying for the same, and paying the money for the said lot, as in this act is before directed, for the use of the said Hope Dexter, or other proprietors, as aforesaid.*

VII. *And be it further enacted, by the authority aforesaid, that the commissioners, or the major part of them, shall be, and they are hereby impowered and authorized, to remove all nuisances within the limits of the said town.*

VIII. *And be it further enacted, by the authority aforesaid, that no person, inhabitant of the said town, or holding a lot or lots therein, shall inclose the same, or keep the same inclosed, under a common stake fence, but every lot therein shall be paled in, or inclosed with posts and rails set up.*

IX. *And be it further enacted, by the authority aforesaid, that all persons, possessors or owners of lots in the said town, shall within two years from the date of their grant or conveyance, clear, and keep constantly clear, their lot or lots, from all manner of wood, underwood, brush and grubs; under the penalty of one shilling, proclamation money, for every month such owner or owners of any lot or lots shall neglect to clear, or keep the same clear; to be recovered by a warrant from any Justice of the Peace, and applied, by the said commissioners, for and towards clearing the streets in the said town. § 10, and 11, repealed by 1755, 12.*

XII. *And be it further enacted, by the authority aforesaid, that the said Justices may, and they are hereby impowered and authorized, to make use of the old court-house and prison, for the use of the said court-house and jail, to be built as aforesaid in the said town, either by pulling the same down, and moving such part thereof as may be useful in building the court-house to be built in the said town, as aforesaid, or by selling the same, and applying the money arising by such sale, towards erecting the said buildings in the said town.*

XVII GEORGE II. The 2d of April, 1743. O. S.

CHAP. VII. *An act for erecting a Court-house, Prison and Stocks, in Bertie county, and for laying a tax upon the inhabitants of the said county for defraying the charge thereof.*

I. **W**HEREAS great disputes have arisen in the county of Bertie, concerning the place whereon the Court-house, prison and stocks, should be erected in the said county; by reason whereof, they have not hitherto been built: therefore, to ascertain the place whereon the same shall be built, and to prevent delays for the future;

II. We pray that it may be enacted, *and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's council and General Assembly of this Province, and it is hereby enacted by the authority of the same, that the court-house, prison and stocks, of Bertie county, shall be built between Cusky bridge and Wills's Quarter bridge, in the said county, and that all courts shall be there held for the said county, after the same shall be built; any law, custom, usage, or order of court, to the contrary notwithstanding.*

III. *And be it further enacted, by the authority aforesaid, that the Justices of the said county, or a majority of them, are hereby impowered and required, at the next court that shall be held for the said county, after the passing of this*

act, to purchase of the owner, one acre of land, in fee simple, between the said bridges, for the use of the public, whereon to build the said court-house, prison and stocks; and shall also contract with, or empower other persons as they shall think proper, to contract with and employ work, for building and erecting the same thereon. *The rest Obsolete.*

XIX. GEORGE II. The 20th of April, 1745. O. S.

CHAP. IX. *An act, to empower the commissioners for the town of Edenton, to keep in repair the town fence, and to erect and build a pound, bridges, public wharf and market-house; and also to erect and build a School-house in the said town, and other purposes therein mentioned.*

The 1st and last sections of this act, provided for by 1756, 14.

II. *AND be it further enacted, by the authority aforesaid, that no person or persons whatsoever, except the inhabitants of the said town, shall keep, or cause to be kept, any horse, cattle or sheep, within the said town, under the penalty of twenty shillings, proclamation money, for each and every offence; to be recovered and applied as in this act is hereafter directed.*

III. *And be it further enacted, by the authority aforesaid, that none of the inhabitants of the said town, shall keep, or cause to be kept, running at large within the bounds of the said town, more than six head of sheep, one cow and one horse, for one lot, and so in proportion for each and every lot by him, her or them so possessed, under the penalty of twenty shillings, proclamation money, for each and every offence; to be recovered and applied as in this act is hereafter directed.*

IV. *And be it further enacted by authority aforesaid, That the commissioners of the said town, or the majority of them are hereby authorized and empowered to erect and build a pound, bridges, public wharf, market house, and school house, in such public places in the said town as they, or the majority of them, shall think most convenient for the ease and advantage of the inhabitants of the said town: And for defraying the expence of building and erecting the said pound, bridges, public wharf, market house, and school house, the said commissioners shall be allowed and paid out of the money already arisen, and not applied, and which hereafter shall arise, by the sale of lots in the said town; any law, usage, or custom, to the contrary, notwithstanding.*

CHAP. XI. *An act for fencing the town of Bath, and re-surveying the common belonging to the said town, and exempting the inhabitants from working on the main roads; and to give liberty to the inhabitants to build on and improve the front or water lots, and to appoint commissioners for the purposes aforesaid.*

I. *WHEREAS the inclosing and fencing in the town of Bath, will be not only commodious to the inhabitants, but convenient to travellers passing that way:*

II. *We pray that it may be enacted, and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's council and General Assembly of this Province, and by the authority of the same, that the inhabitants of Bath town, at their own proper costs and charges, shall be obliged to make and keep in repair, a good and sufficient fence, with one large gate fit for carts to pass through, and one lesser gate, fit for men and horses to pass through.*

III. *And be it further enacted, by the authority aforesaid, that the commissioners hereafter appointed, or the majority of them, are hereby directed and empowered, to hire and employ workmen, to make up or repair the said fence and gates, when the majority of them shall find it necessary, and to compute the charge of the making and repairing the same, on the first Tuesday in May, yearly, after the ratification of this act: and for defraying the said expence, the commissioners hereafter named are hereby authorized and empowered to lay a tax or levy on each taxable in the said town, for paying the said charge, not exceeding the sum of two shillings and eight pence, proclamation money, yearly.*

IV. *And be it further enacted, by the authority aforesaid, that if any of the inhabitants of the said town of Bath, or any other person or persons holding or possessing lots therein, shall neglect or refuse to pay the said tax or levy, so laid by the commissioners as aforesaid, that then, and in such case, the commissioners for the time being, or the majority of them, are hereby empowered to sue for and recover the same, by warrant from any Justice of the Peace for the county of Beaufort.*

V. *And be it further enacted, by the authority aforesaid, that if any person or persons shall pull down, take away, or by any means destroy, any of the rails of the said fence, or any part thereof, and shall be thereof lawfully convicted by the oath of one credible witness, before one or more Justices of the Peace, he, she or they, so offending, shall forfeit and pay, into the hands of the commissioners, for the first offence, the sum of twenty shillings, proclamation money, and for the second offence, being thereof lawfully convicted as aforesaid, the sum of forty shillings, proclamation money; to be recovered, by the commissioners, by a warrant from two Justices of the Peace: which money, so by them recovered, shall be by them applied towards repairing the said fence.*

VI. *And forasmuch as the inhabitants of the said town know not exactly the bounds of their several and respective*

lots; to prevent disputes for the future, *Be it enacted, by the authority aforesaid, that the commissioners hereafter named, or the majority of them, are hereby required and impowered to employ the Surveyor-general, or his depury, to re-survey the said town, as near as possible to the old plan, that no person may be damaged thereby; and the commissioners are hereby impowered to lay a tax or levy on each lot, not exceeding two shillings and eight pence, proclamation money, to pay the expence of surveying the same; which money shall be paid by the owners of the said lot or lots, into the hands of the commissioners; and every owner or owners of such lot or lots so surveyed, are hereby obliged to set up posts or stones for land marks, in presence of some of the commissioners, at the time of surveying the same, under the penalty of forty shillings proclamation money; to be recovered and applied in the same manner as other fines in this act are before directed to be recovered and applied.*

VII. And be it further enacted, by the authority aforesaid, that the common belonging to the said town be also surveyed, at the expence of the inhabitants of the said town; and that proper land marks be set on the bounds of the same, that persons may know where the same are, and not commit trespass on the lands adjoining.

VIII. And be it further enacted, by the authority aforesaid, that the inhabitants of Bath town be, and are hereby exempted from working on the public roads; provided that the said inhabitants keep the town inclosed, in manner aforesaid, and their streets and lots clear of all incumbrances whatsoever.

IX. And be it further enacted, by the authority aforesaid, that all persons which have, or which hereafter shall take up any of the front or water lots in the said town, are hereby impowered to improve the same, by building and erecting warehouses and stores, or other buildings, as to them shall be most convenient, for carrying on their trade and commerce.

X. And be it further enacted, by the authority aforesaid, That Capt. Michael Coutanch, Col. Benjamin Peyton, Mr. John Rieuisset, Mr. Robert Boyd, and Mr. Daniel Blinn, be, and are hereby appointed commissioners for the said town of Bath, with power and authority to sue for and recover, of and from any person or persons who shall refuse to pay their proportionable part of the charges arising and becoming due for any of the purposes aforesaid; and on death or removal of any of the above commissioners, the majority of the commissioners shall choose others in the room and stead of those so dying or removing.

CHAB. XII. An act to encourage persons to settle in the town of Brunswick, on the southwest side of Cape Fear river.

I. WHEREAS Maurice Moore, late of Cape Fear, Esq; deceased, appropriated and laid out a certain parcel of land, containing three hundred and twenty acres, on the southwest side of Cape Fear, for a town, and common, for the use of the inhabitants of the said town, which said town is called Brunswick; and the hon. Roger Moore, Esq; to make the said town more regular, added another parcel of land to the said town, and a great part of the said lands was laid out into lots, of half an acre each, many of which are taken up, and good houses built thereon, and proper places were appointed and given, by the said Maurice Moore, for a church, court-house, and burial place, market house, and other public buildings, and whereas, by reason of the death of the said Maurice Moore, and of John Porter, of Cape Fear, Esq; who claimed to hold part of the said lands laid out for a town, by grant from the said Maurice Moore, it is not certainly known to whom the said land belong, so that sure titles may be had to the lots, as yet unfold, which is a great discouragement to the settling the said town: and whereas the trade of Cape Fear river consists in naval stores, rice and lumber, commodities of great bulk and small value, all due encouragement ought to be given to large ships to come into the said river, to take off the said commodities; and as all large ships which come into the said river, are obliged to lie at Brunswick, and that town for want of a sufficient number of inhabitants, and by reason of the easy navigation thereunto, is much exposed to the invasion of foreign enemies in time of war, and pirates in time of peace, nothing can be a greater encouragement to ships to come there, than a certainty of being well supplied with necessaries, and well secured, during the time they lie there, which can be no way be better done than by increasing the number of the inhabitants of the said town: for the effecting of which, and remedying the inconveniences above mentioned, and settling and securing the titles to the said lots in the said town.

II. We pray your most sacred Majesty that it may be enacted, *and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's Council, and General Assembly of this Province, and by the authority of the same, that the said lands appropriated and laid out for a town and common, by the said Maurice Moore and Roger Moore, be, and they are hereby declared to be, from henceforward, invested in the Hon. Edward Moseley and Roger Moore, Esqrs. and William Dry, John Wright, and Richard Quince, merchants; in fee, to and for the trust and purposes herein after mentioned, and their successors, as commissioners for the said town of Brunswick; to be disposed of in manner and form as herein after is directed.*

III. *And be it further enacted, by the authority aforesaid, that on the death or departure of any of the said commissioners out of this province, at any time hereafter, the remaining commissioners, or the majority of them, are hereby fully authorized and impowered to elect and choose some other person or persons to succeed such commissioner or commissioners so dying or departing as aforesaid; which person or persons so elected or chosen, shall be, and they are hereby invested with as full power and authority, to all intents and purposes, as if they had been particularly named in this act.*

IV. *And be it further enacted, by the authority aforesaid, that the Honourable Roger Moore, Esq; shall be treasurer and receiver of all the monies arising, or to arise, by the sale of the said lots; and on his death, or departure out of this province, then the majority of the commissioners to choose another, he giving security to the said commissioners,*

that he will be accountable for all the monies which he shall receive for the said lots.

V. *And be it further enacted, by the authority aforesaid,* that the said commissioners, or any three of them, as soon as they conveniently can, shall lay out so much of the said lands, fronting the river, for a town, into lots of half an acre each, with convenient streets and passages, as they shall think sufficient and the remainder thereof, not laid out into lots, shall be, and it is hereby declared to be a common, for the public use of the inhabitants of the said town; a plan of which town and common the commissioners shall record in the Secretary's Office, by which plan, so recorded, all disputes hereafter concerning the lots, streets and passages, of the said town, and also the common, shall be decided.

VI. *And be it further enacted, by the authority aforesaid,* that if the said commissioners, or the majority of them, shall think the places already laid out for a church, burial place, market house, and other public buildings, not convenient for the said uses, that then the said commissioners, or the majority of them, shall lay out and appropriate such other places, for the uses aforesaid, as they shall think most convenient.

VII. *And be it further enacted, by the authority aforesaid,* That every person who is willing or desirous to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up, paying unto the treasurer or receiver for the time being the sum of three pounds, proclamation money; which lot or lots the commissioners aforesaid, or any three of them, are hereby required, directed, and impowered, to grant and convey to the person so taking up the same, and to his heirs and assigns, for ever: forty shillings whereof shall be paid, by the said treasurer, to such person or persons, his or their heirs, who hath the title to the said lands; and twenty shillings, remainder thereof, to the churchwardens of *St. Philip's* parish, in *New Hanover* county; to be disposed of as the vestry of the said parish shall direct.

VIII. *Provided always,* that if any person shall take up or purchase any lot, in manner as before directed, and shall not build thereon, within two years after the date of the conveyance for the said lot, a good substantial habitable house, of the dimensions of twenty feet long, and sixteen feet wide, without shed, or make such preparation for so doing as the commissioners, or the majority of them, shall judge reasonable, then every such conveyance shall be null and void, to all intents and purposes, as if the same had never been made; and any other person or persons shall have free liberty to take up the said lot or lots in the same manner as before is directed, as if the same had never been before taken up.

IX. *And be it further enacted, by the authority aforesaid,* that all money arising by such second or other sale of the said lot or lots, shall be paid by the treasurer or receiver, to the churchwardens of *St. Philip's* parish aforesaid, to be disposed of as the vestry of the said parish shall direct.

X. *And be it further enacted, by the authority aforesaid,* that the commissioners, or the majority of them, shall have full power and authority, and they are hereby authorised and impowered to sell and convey, in manner aforesaid, one or more of the said lots, as they shall find necessary; and apply the money arising by the sale of the said lots, to defray the charges they shall be at in surveying and laying out the said lots and common, and making and recording the plan thereof.

XI. *And be it further enacted, by the authority aforesaid,* that every person who is now seized and possessed of any lot, and hath, by himself, or those under whom he claims, been so seized or possessed for seven years last past, and cannot produce any title to the same, shall make it appear to the commissioners, or the majority of them, that he purchased the said lots, *bona fide*; and if the said commissioners, or the majority of them, shall be satisfied that he purchased the said lot, *bona fide*, then they shall give him a certificate thereof, under their hands and seals: which certificate, being registered in the register's office of *New Hanover* county, shall be a sufficient title against all titles bearing date after the ratification of this act; and where any lot doth belong to any person deceased, his executors or administrators shall have the same liberty or privilege.

XII. *And be it further enacted, by the authority aforesaid,* that if any person or persons possessed of any of the said lots, die without heirs, or shall not make disposition thereof by will, or otherwise, then, and in such case, the said lot, or lots shall revert to the said commissioners; and shall be sold by the commissioners aforesaid for as much they can get; and the money arising by such sale shall be disposed of by them for the use of the said town.

XIII. *And for the better encouragement of persons to settle in the said town, be it enacted, by the authority aforesaid,* that from and after the ratification of this act, all vestries for the said parish shall be made and held in the town of *Brunswick*, and at no other place whatsoever.

XIV. *And be it further enacted, by the authority aforesaid,* that the church for *St. Philip's* aforesaid, shall be built in the said town of *Brunswick*.

XV. *And be it further enacted, by the authority aforesaid,* that the commissioners aforesaid, or any three of them, shall have full power and authority, and they are hereby authorised and impowered, to remove all nuisances, or what they shall judge nuisances, within the limits of the said town, and shall not suffer any person, owner of any lot or lots in the said town, to inclose the same with a common stake or worm fence; but every person who will inclose a lot or lots, shall inclose the same with pales, or posts and rails set up: and if any person or persons, after notice given, shall not take away and remove such stake or worm fence, then, and in such case, the said commissioners or any three of them shall order the same to be taken away, at the costs and charges of the person who is in possession of the said lot or lots: and if the possessor refuses to pay for the same, then any three of the commissioners aforesaid are hereby impowered and authorized to grant a warrant under their hands and seals directed to the constable of the said town, to levy the same, by distress and sale of the offender's goods, returning the overplus to the owner; and the said constable is

hereby required to execute the said warrant.

XVI. *And be it further enacted, by the authority aforesaid, that all and every person and persons, possessors or owners of any lot or lots, in the said town, shall, within one year after the ratification of this act, clear all and every such lot and lots by them held or possessed, of all wood, underwood, brush or grubs, growing, standing, or being on the said lots.*

XVII. *And be it further enacted, by the authority aforesaid, that if any person or persons, possessor or owner of any lot or lots in the said town, shall omit or neglect to clear the same, as above directed, within the time above limited, and keep and maintain the same so cleared, then, and in such case, the commissioners, or any three of them, shall cause the same to be cleared, at the costs and charges of the party offending; and if the party so offending shall, upon demand made, refuse to pay such sum or sums as the commissioners, or any three of them, shall order, for clearing the same, then the said commissioners, or any three of them, shall issue a warrant, under their hands and seals, to the constable of the said town, to levy the same, by distress and sale of the offender's goods returning the overplus, after all charges are paid.*

XVIII. *And be it further enacted, by the authority aforesaid, that if at any time, after twenty days after the ratification of this act, any tavern-keeper, ordinary keeper, or any other persons whatsoever, selling liquor, or keeping a public house in the said town, shall suffer any person or persons whatsoever, to sit tippling or drinking in his house, in time of divine service on the sabbath day, or shall suffer any person or persons to get drunk in his house on the sabbath, such person or persons so offending, shall forfeit and pay, for every such offence, the sum of ten shillings, proclamation money.*

XIX. *And be it further enacted, by the authority aforesaid, that if any person or persons whatsoever, in the said town, shall, in one month after the ratification of this act, on any pretence whatsoever, give credit, loan, or trust, to any mariner or seaman, belonging to, or under the command of, the commander or master of any vessel, that now is, or shall at any time hereafter, arrive at Brunswick, above the sum of two shillings and eight pence, proclamation money, except by the leave or licence of the master or commander of the vessel he belongs to, or where such sailor or mariner shall have left the ship or vessel to apply to the courts of justice, in any dispute or controversy with the captain or commander of such ship or vessel; that then, and in such case, he, she or they, shall, for every such default, lose all the monies and goods so trusted or credited.*

XX. *And be it further enacted, by the authority aforesaid, that if any persons whatsoever shall willingly and knowingly, entertain, retain, harbour or keep, or shall, directly or indirectly, suffer to be entertained, retained, harboured, or kept, any seaman or mariner, belonging to any vessel aforesaid, in his, her or their house or houses, exceeding the space of six hours, without the privity and consent of his or their master or commander, or one hour after, against the consent of the master or commander (except as in the case before excepted) he, she or they, so offending, shall forfeit and pay the sum of forty shillings, proclamation money, for every such offence.*

XXI. *And be it further enacted, by the authority aforesaid, that if any person who keeps a public house, shall after the ratification of this act, entertain, retain, harbour or keep, or suffer to be entertained, retained, harboured or kept, any seaman or mariner, belonging to any vessel as aforesaid, after eight of the clock, in the winter, at night, and nine of the clock, in the summer, at night, except the seamen or mariner hath leave from his master or commander, in writing, to be on shore (except as in the case before excepted) he or she so offending, shall forfeit and pay the sum of ten shillings, proclamation money, for every such offence.*

XXII. *And be it further enacted, by the authority aforesaid, that in case any person or persons whatsoever shall be sued or molested for any thing done in the execution of this act, he, she or they, shall and may plead the general issue, and give this act in evidence; and the Judge and Judges shall allow thereof.*

XXIII. *And be it further enacted, by the authority aforesaid, that all penalties and forfeitures by this act made and imposed, shall be, one half to the vestry and churchwardens of St. Philip's parish aforesaid, and the other half to him or them who will sue for the same; to be recovered by a warrant from any one Justice, if the sum doth not exceed twenty shillings, proclamation money; and if the penalty or forfeiture exceed that sum, then by a warrant from any two Justices.*

XXIII GEORGE II. The 17th of March, 1749. O. S.

CHAP. VI. *An act for appointing and laying out a town on the plantation of Mr. Samuel Jordan, on the north side of Roanoke in Northampton County; and for establishing two fairs to be held annually therein.*

I. **WHEREAS** the inhabitants of Northampton county have petitioned for an act, for appointing a town on the plantation of Mr. Samuel Jordan, on the north side of Roanoke river, in Northampton county:

II. We pray that it may be enacted, *And be it enacted, by his Excellency Gabriel Johnston, Esq; Governor by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, that as soon as the proprietor of the said land shall acknowledge his consent and concurrence, in open court of the said county, to have such part of the said land laid out for a town as herein after is directed, Samuel Jordan, William Short, William Kinchen, Francis Corbin, and John Dawson, are hereby nominated and appointed commissioners, and they, or the majority of them, are hereby invested with full power and authority, to lay out thirty six acres or land, on the said plantation, for a town, by the name of Hawns; and to lay out the said thirty six acres into lots, of half an acre*

each, with convenient streets and squares.

III. *And be it further enacted*, that when the commissioners, or the majority of them, have laid out the said town into lots and streets, as aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not taken before; which lot or lots the commissioners before appointed, or the majority of them, are hereby empowered to grant, convey, and acknowledge, to the person or persons so taking up the same, his heirs and assigns, for ever, in fee, upon the payment of five pounds, proclamation money, or the value thereof, to the treasurer herein after mentioned.

IV. *And be it further enacted*, by the authority aforesaid, that *William Short* is hereby appointed treasurer and receiver of all such sum or sums of money as shall arise by the sale of such lots, for the use hereafter mentioned; and on the death, or departure out of the government, of the said treasurer, the said commissioners, or the major part of them, shall appoint some other person treasurer, in the place of the said treasurer so dying, or departing the government.

V. *And be it enacted*, by the authority aforesaid, that the treasurer that shall or may be hereafter appointed by the commissioners as aforesaid, shall give security to the county court, that he shall and will account with, and pay in all the monies he shall receive, for the sale of all and every the lot or lots that shall be sold, yearly, on the twenty fifth day of March, to Mr. *Samuel Jordan*, or the proprietor of the said lands.

VI. *Provided always*, that if any lot or lots shall be granted or conveyed by the said commissioners, to any person or persons whatsoever, who shall not, within two years, build a good substantial habitable framed house, not of less dimensions than twenty feet in length, and sixteen feet wide, besides sheds or lean-toes, or make such preparation for so doing as the commissioners, or the majority of them, shall, on view, think reasonable, such grant or conveyance shall be void, and it is hereby declared void, and of none effect, as if the same had never been made; and the commissioners may grant and convey such lot or lots, which shall not be built on within the time, and in the manner as is herein before directed, to any other person or persons applying for the same, and paying the money for the said lot, as in this act is before directed, for the use of the said *Samuel Jordan*, or other proprietor, as aforesaid.

VII. *And be it further enacted*, by the authority aforesaid, that the commissioners, or the majority of them, shall be, and they are hereby empowered and authorized, to remove all nuisances within the limits of the said town.

VIII. *And be it further enacted*, by the authority aforesaid, that no person, inhabitant of the said town, or holding a lot or lots therein, shall inclose the same, or keep the same inclosed, under a common stake fence; but every lot therein shall be paled, or inclosed with posts and rails set up.

IX. *And be it further enacted*, by the authority aforesaid, that all persons, possessors or owners of any lot or lots in the said town, shall, within two years from the date of their grant or conveyance, clear, and keep constantly clear, their lot or lots, from all manner of wood, underwood, brush, and grubs; under the penalty of one shilling, proclamation money, for every month such owner or owners of any lot or lots shall neglect to clear or keep the same clear; to be recovered by a warrant from any Justice of the Peace, and applied, by the said commissioners, for and towards clearing the streets in the said town.

X. *And be it further enacted*, by the authority aforesaid, that it shall and may be lawful for the inhabitants of the said town, to hold two fairs, annually, in the said town of *Hawns*, to wit; one on the second Tuesday in the month of October, and the other on the first Tuesday in the month of January, during the space of three days at each time; under such rules and regulations, and, as near as may be, agreeable to the rules and regulations that fairs are usually held and kept in the kingdom of Great Britain.

XXV GEORGE II. The 27th of September, 1751. O. S.

CHAP. XII. *An act for building a church in Wilmington, in St. James's parish, in New Hanover county.*

I. **W**HEREAS the church of *St. James's* parish, in *New Hanover* county, is by law appointed to be built in the town of *Wilmington*; and whereas many well disposed persons have subscribed liberally thereto, and a further sum is yet necessary to carry on and compleat the same: wherefore

II. *Obsolete.*

III. And to encourage a further and larger subscription, for compleating the said church in a decent manner, *be it enacted*, by the authority aforesaid, that every subscriber shall have a proper place in the said church, to build a seat or pew upon in proportion to his subscription, as the commissioners or the majority of them, may determine; which piece or parcel of ground so adjusted and set off, shall be an estate of inheritance to such person or persons, his or their heirs or assigns, for ever: such person or persons building, or causing to be built, such seat or pew, as the commissioners may judge proper and regular, so as the same be set up and finished, within six months after compleating the said church.

IV. *And be it enacted*, by the authority aforesaid, that the commissioners hereafter mentioned or the majority of them, shall have it in their power to set off to such persons and their families, inhabitants of *St. James's* parish, such places for erecting seats, and under such regulations, as they, or the majority of them, may judge most proper.

V. And that the said church may be carried on and finished in the best and neatest manner, and with all proper economy, *be it enacted*, by the authority aforesaid, that all the members of his Majesty's Council, *Samuel Swann*, *Joseph Blake*, *William Faris*, *John Sampson*, *Lewis D'Roffet*, and *John Ashe*, Esquires, be appointed commissioners; and they,

or the majority of them, resident in the said parish, shall have and maintain an action in any court of record in this province, against any subscriber neglecting or refusing, after demand made to pay the money by him or her subscribed to and for building the said church; and the commissioners, or the majority of them, as aforesaid, are hereby empowered to fix upon a proper plan for the said church, and to agree with artificers, to purchase and get the materials together convenient for the building, with all that may be necessary for compleating the same.

VI. And whereas a piece or parcel of land is already allotted, and made over by *Michael Higgins*, at that time one of the proprietors of the aforesaid town of *Wilmington*, for the building a church and church yard, the whole containing only half an acre, which being too small for answering both purposes: *Be it enacted, by the authority aforesaid, that the said commissioners shall be at liberty, and they are hereby empowered, to make use of thirty feet of market street for the front of the said church to be seated upon, if they judge necessary.*

VII. And for enlarging the church yard, *be it enacted, by the authority aforesaid, that the commissioners before mentioned, shall be, and they are hereby empowered, to purchase such other parcels of ground, adjoining to the said half acre, as they may judge convenient, for the use of the church and church yard.*

VIII. *And be it further enacted, by the authority aforesaid, that if any subscriber shall die possessed of a seat in the said church, and no heir or assign of any such subscriber or subscribers, so dying possessed as aforesaid, shall claim the same within three years after the death of such subscriber, the churchwardens for the time being are hereby empowered to dispose of the same, for the benefit of the said parish; any thing in this act, to the contrary, notwithstanding.*

IX. *And be it further enacted, by the authority aforesaid, that the commissioners shall yearly, on every Easter Monday, if required, produce a fair state of their accounts, with the vouchers, to the vestry and churchwardens of the said parish of St. James's, for the time being. The rest Obsolete. 1757, 4; 1760, 8; 1770, 13.*

CHAP. XII. *An act to appoint commissioners to receive, collect, and apply, subscriptions towards building of a church in the town of Brunswick, in St. Philip's parish, and for other uses therein mentioned.*

I. **W**HEREAS several well disposed persons are inclined to subscribe and contribute several sums of money towards building a church in the town of Brunswick, in the parish of St. Philip, and county of New Hanover; for the more effectual collecting and applying the said subscriptions.

II. We pray it may be enacted, and be it enacted, by his Excellency *Gabriel Johnston, Esq; Governor* by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby enacted, by the authority of the same, that the honourable *Matthew Rowan*, and *James Hasell, Esqs.* *John Russel*, and *William Dry, Esqs.* *Richard Quince* and *John Davis*, gentlemen, be and are hereby appointed commissioners, with full power and authority, to collect and receive of and from all and every person or persons, contributing to the building of the said church, the several sum or sums of money, or other donations whatsoever, which shall, at any time hereafter, be by such person or persons severally subscribed and contributed.

III. *And be it further enacted, by the authority aforesaid, that in case any person or persons, subscribing or contributing as aforesaid, his or their heirs, executors, or administrators, shall neglect or refuse to pay to the said commissioners, or the majority of them, or their order, the sum or sums by them, their ancestors, testators, or intestates, respectively subscribed, given, bequeathed or contributed as aforesaid, it shall and may be lawful to and for the said commissioners, or the majority of them, for the time being, to maintain an action or actions in their own names, against such person or persons neglecting or refusing as aforesaid, in any court within this province, wherein the same is cognizable.*

IV. *And be it enacted by the authority aforesaid, that in case of the death, departure out of the parish, or refusal to act, of any of the said commissioners, it shall be lawful for the remaining commissioners, together with the churchwardens and vestry of the said parish for the time being, to choose and appoint another commissioner, in the room of such commissioner dying, departing the parish, or refusing to act as aforesaid; and the commissioner so elected and appointed, shall be invested with all the powers and authorities of any other commissioner appointed by this act.*

V. *And be it further enacted, by the authority aforesaid, that the several sums of money, or other donations whatsoever, which shall be collected or received, by virtue of this act, shall be applied by the said commissioners, or the majority of them, from time to time, for and towards building a church in the town of Brunswick aforesaid, and towards purchasing a glebe, and building a mansion house for the use of the said parish.*

VI. *And be it further enacted, that the commissioners appointed, or to be appointed by virtue of this act, shall account, upon oath, with the vestry of the said parish, on Easter Monday in every year, for all the monies, or other donations which they or either of them shall receive, for the use and purposes herein before mentioned, under the penalty of ten pounds, proclamation money, for each commissioner refusing or neglecting to account as aforesaid; to be recovered by the churchwardens of the said parish for the time being, for the use of the said parish, in any court of record within this province, wherein the same is cognizable. 1760, 8.*

CHAP. XIV. *An act to appoint a convenient place for holding the county court of Duplin, and to empower the commissioners therein named to build a court-house, prison and stocks, in the said county, and for enlarging the bounds thereof.*

I. **W**HEREAS by an act, intituled, *an act for erecting the upper part of New Hanover county into a county and parish, by the name of Duplin county, and St. Gabriel's parish, and for appointing a place for building a court-*

house, prison, and stocks, in the said county, amongst other things it was enacted, that the justices of the said court, or the majority of them, at their first meeting, should nominate and appoint a convenient place within the said county, to build a court-house, prison and stocks; which said justices, being then unacquainted with the bounds of the said county, did by order of the said court, appoint a place whereon to build a court-house, prison, and stocks; which said place, on examination, is found to be within ten miles of the eastern bounds of the said county, to the great inconvenience and detriment of the inhabitants thereof attending the said court; wherefore,

II. We pray it may be enacted, and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's Council, and the General Assembly of the said Province, and by the authority of the same, that the court-house, prison and stocks, for the said county of Duplin, shall be fixed as near the centre of the said county as conveniently can be, and that Mr. Arthur Blackman, Mr. Anthony Williams, Mr. William McGee, Mr. John Brock, of Duplin county, and Mr. William Mills, of Onslow county, or the majority of them, are hereby appointed, upon their oaths, to fix the most convenient and central place in the said county to build the said court-house, prison, and stocks; and their proceedings thereon return to the next county court, after they or the majority of them, shall agree on the same.

III. And be it further enacted, by the authority aforesaid, that Mr. George Mears, Mr. William Houston, and Mr. Joseph Williams, be, and they are hereby appointed commissioners for erecting and building the said court-house, prison and stock; and also to contract and agree with workmen to build the same, of such dimensions as shall be agreed on by the county court.

IV. And for defraying the expence thereof, be it enacted, by the authority aforesaid, that so much of the tax laid upon the inhabitants of the said county, and already collected, as well as what hereafter may be collected, for and towards building the court-house, prison, and stocks, shall be by the sheriff of the said county, accounted for and paid unto the afore-mentioned commissioners, and be by them applied for and towards building the court-house, prison, and stocks, in this act mentioned to be built.

V. And be it enacted, by the authority aforesaid, that the clause in the before-recited act, so far as relates to the appointing a place for building a court-house, prison, and stocks, and building the same, be and is hereby repealed, and made void, to all intents, purposes, and constructions, as if the same had never been made.

VI. And whereas the dividing line between New Hanover county and Duplin is circumscribed by Cohery, by which it runs a long narrow stripe of land, between the said Cohery and Black river, still remains in New Hanover county, which renders it very inconvenient to the inhabitants dwelling thereon to attend the courts at Wilmington, by reason of its great distance therefrom: be it therefore enacted, by the authority aforesaid, that the line between the said counties shall be continued from the place where Cohery and the Six runs meet, by a west course, until the same strikes Black river, and from thence the county of Duplin shall be bounded by Black river, up to the mouth of Black Mingo creek, thence up the said creek to the bounds of the said county; any thing in the act for erecting the upper part of New Hanover county into a county and parish, by the name of Duplin county, and St. Gabriel's parish, for the appointing a place for building a court-house, prison, and stocks, in the said county, concerning the bounds of the said county, to the contrary, notwithstanding. *N. C. L. 3, 1749, §. 137; 1754, 11.

XXV GEORGE II. The 31st of March, 1752. O. S.

CHAP. VII. An act for appointing and laying out a town at Blackman's landing, on the west side of Casia river, on a plantation belonging to Joseph Wimberly.

I. WHEREAS many of the inhabitants of Bertie county have petitioned for an act for appointing a town at a place called Blackman's landing, on the west side of Casia river on a plantation belonging to Joseph Wimberly, and that commissioners may be appointed for laying out the same:

II. We pray it may be enacted, and be it enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, that as soon as the proprietor of the said land, at the place called Blackman's Landing, shall acknowledge his consent and concurrence, in open court of the said county, to have fifty acres of land laid out for a town, as herein after is directed, it shall and may be lawful for Thomas Whitmill, John Hill, and John Hearst, who are hereby nominated and appointed commissioners, with full power and authority to lay out fifty acres of land, at the said place called Blackman's landing, for a town, by the name of Wimberly; and they, or the major part of them, are hereby directed and empowered, to lay out fifty acres of land, at and adjoining the said landing, into lots of half an acre each, with convenient streets, and a place for a church, and market.

III. And be it further enacted, by the authority aforesaid, that when the commissioners as aforesaid, or the major part of them, have laid out the said town in manner as aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up; which lot or lots the commissioners, or the majority of them, are hereby empowered and directed, to grant, convey and acknowledge, by deed, to the person or persons so taking up the same, and his heirs and assigns, for ever, in fee simple, upon payment of thirty shillings proclamation money.

IV. *And be it further enacted, by the authority aforesaid, that Mr. Robert Hunter, be, and he is hereby appointed treasurer and receiver of all such sum and sums of money, which shall arise by the sale of the said lots, for the use of the said Joseph Wimberly, his heirs and assigns; and on the death or departure out of the government of the said treasurer, the said commissioners, or the majority of them, shall appoint some other person in the place of the said treasurer.*

V. *And be it further enacted, by the authority aforesaid, that the treasurer hereafter appointed, and every treasurer, that may be hereafter appointed by the commissioners as aforesaid, shall give security to the county court, that he shall and will account and pay in all the monies he shall receive by the sale of all and every the lot and lots that shall be sold in each year, on the twenty fifth day of March, yearly, to Mr. Joseph Wimberly, his heirs or assigns.*

VI. *Provided always, that if any lot or lots shall be granted and conveyed by the said commissioners, to any person or persons whatsoever, who shall not, within eighteen months, build a good substantial habitable framed or brick house, not of less dimensions than twenty feet in length, and sixteen feet wide, with a brick chimney, such grant or conveyance shall be void, and of none effect, as if the same had never been made; and the commissioners may grant and convey such lot or lots which shall not be built on within the time, and in the manner as is before directed, to any other person or persons applying for the same, and paying the money for the said lot or lots, as is in this act before directed, for the use of the said Joseph Wimberly, his heirs or assigns, as aforesaid.*

XXVI GEORGE II. The 27th of March, 1753. N. S.

CHAP. II. *An act for appointing and laying out a town on Core Banks, near Ocacock inlet, in Carteret county, and for appointing commissioners for completing the fort at or near the same place.*

WHEREAS the trade of this province is greatly obstructed by reason of the shoals which lay within Ocacock inlet, so that the merchants and other traders are obliged to employ small vessels, in lightening others of great burthen over the swatch, which is not only very expensive, but also very dangerous, for vessels of large burthen laying at the swatch, during the time they are so lightening over it, how thinsland ships of very great burthen may with great safety come over Ocacock inlet, and commodiously ride at anchor in the harbour adjoining Core Banks: and as it is found by experience that the merchants trading in Albemarle county, Pamlico, and Neuse rivers, are obliged to send down to Ocacock inlet or Core Banks, sometimes the whole, and almost always one half of the loading of their vessels, of any considerable burthen, so that it is absolutely necessary to have warehouses and other conveniences on the said banks, near the said harbour, for the reception and safe-keeping of the commodities they are constantly obliged to send down, for completing the loading of their ships:

II. We therefore pray it may be enacted, *And be it enacted, by the Honourable Matthew Rowan, Esq; President, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, that it shall and may be lawful for Mr. Joseph Bell, of Carteret county, Mr. John Williams, and Mr. Joseph Leech, of Newbern town, Mr. Michael Coutanch, of Bath town, Mr. John Campbell, of Edenton, or any three of them, who are hereby appointed commissioners, with full power and authority to lay out fifty acres of land on Core banks, most convenient to the said harbour, adjoining the said banks, for a town, by the name of Portsmouth, into lots of half an acre each, with convenient streets, as they may think requisite.*

III. *And be it enacted, by the authority aforesaid, that when the commissioners aforesaid, or the major part of them, shall have so laid out the town in manner aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots of land so laid out as aforesaid, and not before taken up, which lot or lots the commissioners, or the majority of them, are hereby empowered and directed to grant, convey, and acknowledge, by deed, to the person or persons so taking up the same, and his or their heirs and assigns, for ever, in fee simple, upon the payment of twenty shillings, proclamation money.*

IV. *And be it further enacted, that Mr. Joseph Bell be, and is hereby appointed treasurer and receiver of all such monies which shall arise by the sale of the said lots, for the use of John Kersey, the now proprietor of the said land, his heirs and assigns; and on the death, or departure out of this government, of the said treasurer, or any one of the before mentioned commissioners, that the said commissioners, or the majority of them, shall appoint some other person (in the place of the said treasurer or commissioner so dead or departed) in the place or county where the said treasurer or commissioner so dead or departed did reside.*

V. *And be it further enacted, by the authority aforesaid, that the treasurer herein appointed, and every treasurer to be chosen or elected by virtue of this act, shall give security to the county court of Carteret, that he shall and will, from time to time, account and pay in all the monies he shall receive, by the sale of all and every lot or lots that shall be sold in each year, on the twenty fifth day of March yearly, to the said John Kersey, his heirs or assigns.*

VI. *Provided, that if any lot or lots of land shall be granted and conveyed by the said commissioners, to any person or persons whatsoever, who shall not, within eighteen months after the said conveyance, build a good substantial habitable framed or brick house, or a good substantial warehouse, of not less dimensions than twenty feet in length, and sixteen feet wide, such grant or conveyance shall be void and of none effect, as if the same had never been made; and the commissioners may and shall grant and convey such lot or lots to any other person or persons applying for the same, on their paying the money for the said lot or lots, as is in this act before directed, for the use of the said John Kersey, proprietor of the said land, his heirs or assigns aforesaid.* *The rest Obsolete.*

CHAP. IX. *An act to appoint and lay out a town on the plantation of Mr. Henry Skibbow, on the east side of the North Branch of Cape Fear river, at a place called the Sand hill, and to appoint an inspector in the said town, and other purposes therein mentioned.*

I. *WHEREAS* the inhabitants of New Hanover, Onslow, and Duplin counties, have petitioned for an act to appoint a town on the plantation of Henry Skibbow on the east side of the north east branch of Cape Fear river, in New Hanover county, at a place called the Sand hill, and to appoint an inspector for the said town:

II. We therefore pray that it may be enacted, and be it enacted, by the Honourable Matthew Rowan, Esq.; President, and commander in chief, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, that as soon as the proprietor of the said land shall acknowledge his consent and concurrence, in open court of the said county, to have such part of his land laid out for a town as herein after is directed, Alexander Lillington, Samuel Ashe, Thomas Merrick, John Gardner, and Henry Skibbow, are hereby nominated and appointed commissioners; and they, or the majority of them, are hereby invested with full power and authority to lay out forty acres of land on the said plantation for a town, by the name of New Exeter, and to lay out the said forty acres into lots of half an acre each, with convenient streets and squares, for a church, church yard, and market place.

III. *And be it further enacted*, that every person whatsoever who shall be willing to be an inhabitant of the said town, shall have liberty to take any lot or lots, to be laid out as aforesaid, and not before taken up; which lot or lots, the said commissioners, or any two of them, are hereby directed and empowered to grant, convey and acknowledge, to the person or persons so taking up the same, and to his or their heirs and assigns, for ever, in fee simple, upon the payment of forty shillings, proclamation money.

IV. *And be it further enacted*, that if any of the above commissioners shall refuse to act or die, or remove out of this province, that then the remaining commissioners, or the majority of them, shall elect and chuse another person or persons commissioner or commissioners aforesaid, in the room and stead of such person or persons so refusing to act, or that shall die or remove as aforesaid; and such commissioner or commissioners so elected and chosen, are hereby vested with the same powers and authorities, and subject to the like rules and regulations, as the commissioners appointed in virtue of this act.

V. *And be it enacted*, by the authority aforesaid, that John Gardner is hereby appointed treasurer and receiver of all such sum or sums of money as shall arise by the sale of such lots, for the use herein after mentioned; and on the death, or departure out of the government, of the said treasurer, the said commissioners, or the major part of them, shall appoint some other person treasurer, in the place of the said treasurer so dying or departing the government.

VI. *And be it enacted*, by the authority aforesaid, that the treasurer aforesaid, and every treasurer that shall or may be hereafter appointed by the commissioners aforesaid, shall give security to the county court, that he shall and will account with and pay in all the monies he shall receive for the sale of all and every the lot or lots that shall be sold, yearly, on the twenty fifth day of March, to Henry Skibbow, or the proprietor of the said lands.

VII. *Provided always*, that if any lot or lots shall be granted or conveyed by the said commissioners to any person or persons whatsoever, who shall not within two years, build a good substantial habitable framed or brick house, of not less dimensions than twenty feet in length, and sixteen feet wide, besides sheds or leantces, or make preparation for so doing, as the commissioners, or the majority of them, shall think reasonable, such grant or conveyance shall be void, and it is hereby declared void and of none effect, as if the same had never been made; and the commissioners may grant or convey such lot or lots as is herein before directed, to any other person or persons applying for the same, and paying the money for the said lot, as in this act is before directed, for the use of the said Henry Skibbow, his heirs and assigns.

VIII. *And be it further enacted*, by the authority aforesaid, that the commissioners, or the majority of them, shall be and they are hereby empowered and authorized, to order the removal of all nuisances within the limits of the said town.

IX. *And be it further enacted*, by the authority aforesaid, that no person inhabitant of the said town, or holding a lot or lots therein, shall inclose the same, or keep the same inclosed, under a common stake fence, but every lot therein shall be pales, or inclosed with posts and rails set up.

X. *And be it further enacted*, by the authority aforesaid, that all persons, possessors or owners of any lot or lots in the said town, shall, within two years from the date of their grant or conveyance, clear, and keep constantly clear, their lot or lots, from all manner of wood, underwood, brush, and grubs, under the penalty of two shillings, proclamation money, for every month such owner or owners of any lot or lots shall neglect to clear, or keep the same clear; to be recovered by a warrant from any Justice of the Peace, and applied by the said commissioners for and towards cleaning the streets in the said town. *The rest repealed.*

CHAP. XI. *An act to amend an act intituled, an act to appoint a convenient place for holding the county court of Duplin, and to empower the commissioners therein named to build a court-house, prison and stocks, in the said county, and for enlarging the bounds thereof.* p. 14.

I. **WHEREAS** in and by the before recited act, Mr. George Mears, Mr. William Houston, and Mr. Joseph Williams, were appointed commissioners for erecting and building a court-house, prison and stocks, in the said county; and also to contract and agree with workmen to build the same, of such dimensions as shall be agreed on by the county court: and whereas the building the said court-house, prison and stocks, is retarded, and wholly stopped, by reason the said act doth not empower the said George Mears, William Houston, and Joseph Williams, or the majority of them, to build the said court-house, prison and stocks, in the said county:

II. We therefore pray that it may be enacted, *and be it enacted, by the Honourable Matthew Rowan, Esq; President, and commander in chief, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same,* that the said Mr. George Mears, Mr. William Houston, and Mr. Joseph Williams, or any two of them, are hereby empowered to build a court-house, prison and stocks, in the said county of Duplin, and also to contract and agree with workmen to build the same, of such dimensions as is or shall be agreed on by the court of the said county.

III. *And be it further enacted, by the authority aforesaid,* that the court of the county of Duplin, shall appoint three persons, freeholders in the said county, who on their oaths, shall value the lands fixed on by Mr. Arthur Blackman, Mr. Anthony Williams, Mr. William McGee, Mr. John Brock, and Mr. William Mills, or the majority of them, for building the court-house, prison and stocks, in the said county, and an account of such valuation shall return to the next county court thereafter to be held for the said county; and the amount of such valuation the said county court shall pay to the proprietor or owner of the said land, out of the tax to be raised in virtue of an act, intituled, *An act, for erecting the upper part of New Hanover county into a county and parish, by the name of Duplin county, and St. Gabriel's parish, and for appointing a place for building a court-house, prison and stocks, in the said county;* which said valuation and payment of the same to the said proprietor or owner, entered on the records of the said county, shall be a good and sufficient title to the said county, for the said land so valued, paid for, and recorded. N. C. L. 1749, 1, 137.

CHAP. XII. *An act, to appoint a convenient place for holding the county court of Orange, and to empower the commissioners hereafter named, to build a court-house, prison and stocks, in the said county.*

I. **WHEREAS** by an act, intituled, *an act, for dividing part of Granville, Johnston, and Bladen counties, into a county and parish, by the name of Orange county, and the parish of St. Matthew, and for appointing vestry men for the said parish, and other purposes therein mentioned;* among other things, it was enacted, that the justices of the said court, at the court to be held for the said county at the house of John Gray, on the second Tuesday in June next after passing the said act, or the then next succeeding court, should agree on and appoint a place for building a court-house, prison, and stocks, in the said county; which said Justices being then unacquainted with the bounds of the said county, did, by order of the said court, appoint a place whereon to build a court-house, prison, and stocks; which said place, on examination, is found to be within fifteen miles of the west line of the said county, to the great inconvenience and detriment of the inhabitants of the said county attending the said court: wherefore,

II. We pray that it may be enacted, *and be it enacted, by the Honourable Matthew Rowan, Esq; President, and commander in chief, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same,* that the court-house, prison, and stocks, for the said county of Orange, shall be erected on or near where the western path crosses the river Enn, on a piece of land where James Watson now lives.

III. *And be it further enacted, by the authority aforesaid,* that Mr. Alexander Mybain, Mr. John Gray, Mr. John Paterston, Mr. James Ellison, and Mr. Marmaduke Kimbrough, or the majority of them, be, and they are hereby appointed commissioners, to make choice of a suitable and convenient place at or near the said path, where it crosseth Enn river, for the erecting and building thereon a court-house, prison and stocks; and also to contract and agree with workmen to build the same of such dimensions as to them shall seem meet and convenient.

IV. And for defraying the expence thereof, *be it enacted, by the authority aforesaid,* that the tax laid by the before recited act, shall be applied towards building the court-house, prison and stocks, at the place in this act before mentioned.

V. *Provided always,* that nothing in this act shall be construed to make void any contract or agreement, entered in to by the Justices of the said county, with any person or persons for the building the court-house, prison and stocks, at the place appointed by the Justices of the said county in virtue of the before recited act, to annul, invalidate, or make void any suit that is, or may be brought thereon.

VI. *And be it enacted, by the authority aforesaid,* that the clause of the before recited act, so far as relates to the appointing a place for building a court-house, prison and stocks, be, and is hereby repealed and made void to all intents purposes, and constructions, as if the same had never been made. N. C. L. 1752, 6, 150.

CHAP. XIII. *An act, for appointing and laying out a town on the land of John Jenkins, on the south-side of Pee Dee river, in Anson county; and for other purposes therein mentioned.*

I. **WHEREAS** the inhabitants of Anson county labour under great disadvantages for want of trade, by being so inconvenient to, and distant from any of the navigable rivers of this province, only Pee Dee, and that dischargeth

itself into South Carolina, which renders it very impracticable for them to dispose of any thing that ariseth from the produce of the soil, either to pay their public or private debts, in this province: for remedy whereof,

II. We pray that it may be enacted, and be it enacted, by the Honourable Matthew Rowan, Esq; President, and commander in chief, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, that as soon as the proprietor of the said land shall acknowledge his consent and concurrence in open court of the said county, to have such part of his said land laid out for a town, as is herein after directed, Mr. Charles Robinson, Mr. Caleb Howell, Mr. Thomas Tomkins, Mr. William Forbes, and Mr. Edmund Cartledge, are hereby nominated and appointed commissioners; and they, or the majority of them, are hereby invested with full power and authority, to lay out fifty acres of land on the said plantation for a town, by the name of Gloucester, and to lay out the same fifty acres into lots of half an acre each, with convenient streets and squares, for a church, church-yard, and market-place.

III. And be it further enacted, by the authority aforesaid, that when the commissioners, or the majority of them, have laid out the said town as aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up, which lot or lots the said commissioners or the majority of them, are hereby empowered to grant, convey and acknowledge, to the person or persons taking up the same, his or their heirs and assigns for ever, in fee-simple, upon the payment of forty shillings proclamation money, to the treasurer hereafter mentioned.

IV. And be it further enacted, by the authority aforesaid, that Thomas Tomkins be, and is hereby appointed treasurer and receiver of all such sum or sums of money, as shall arise by the sale of the said lots, for the use hereafter mentioned; and on the death or departure out of this government of the said treasurer, the said commissioners, or the majority of them, shall appoint some other person treasurer, in the place and stead of the said treasurer so dying or removing.

V. And be it further enacted, by the authority aforesaid, that the treasurer that now is, or may hereafter be appointed by the commissioners as aforesaid, shall give security to the county court, in the sum of one hundred pounds, that he will and shall account with, and pay all the monies he shall receive for the sale of the said lots, that shall be sold yearly, on the first day of May, to the proprietor of the said town.

VI. Provided always, that if any lot or lots shall be granted or conveyed by the said commissioners to any person or persons whatsoever, who shall not, within two years, build a good substantial, habitable, framed, brick, or stone house, or no less dimensions than twenty-four feet in length, and sixteen feet wide, besides sheds or lean-toes, or make preparation for so doing, as the commissioners, or the majority of them, shall, on view, think reasonable, such grant or conveyance shall be void and of none effect, as if the same had never been made: and the commissioners, or the majority of them, may grant and convey such lot or lots, which shall not be built on within the time, and in the manner aforesaid, to any other person or persons applying for the same, and paying the purchase money as aforesaid, to the use of the proprietor of the said land.

VII. And be it further enacted, by the authority aforesaid, that the commissioners, or the majority of them, shall be, and they are hereby empowered to remove all nuisances within the limits of the said town.

VIII. And be it further enacted, by the authority aforesaid, that all persons, possessors or owners of any lot or lots in the said town, shall within two years from the date of his or her grant or conveyance, clear, and keep constantly clear, his or her lot or lots, from all manner of wood, underwood, brush, and grubs, under the penalty of one shilling proclamation money, for every month such owner or owners of any lot or lots shall neglect the same; to be recovered by a warrant from any justice of the peace of the county, and applied by the commissioners, for and towards clearing the streets of the said town. *The rest Obsolete.*

XXVIII GEORGE II. The 12th of December, 1754.

CHAP. XI. An act for appointing the several ferries therein mentioned, and for obliging the commissioners of the several districts to make roads to the same.

VII. **A**ND whereas the said high-road will tend to the great ease and convenience, not only of the said districts, but also to the inhabitants of the town of Wilmington, and of the districts adjacent, who have been long exposed to great hardships and expences, and at sometimes to the danger of their lives, from the want of the said roads; be it therefore enacted, that as soon as the said road shall be staked out, in manner as herein before directed, it shall and may be lawful for the inhabitants of the town of Wilmington, and for the inhabitants of any other district in the county of New Hanover, or in the county of Bladen, or any of them, to send, at any time, proper for working on the said high-road, a number of not less than ten able persons, to work on the said road, under the direction of such an overseer as shall be approved by the commissioners of the district where they are to work, or the majority of them; and every such overseer certifying, or making oath, if required, what number of persons have wrought on the said roads, and for what time such certificate shall be countersigned by the commissioners of the roads where such work shall have been done, or the majority of them, the like number of days shall be allowed to the person or persons possessed of such certificate, out of the work that otherwise would have been due from him or them within his or their respective districts, any law, usage, or custom, to the contrary, notwithstanding. *The first part of this act Obsolete.*

CHAP. XII. *An act to appoint the place for erecting the court-house and prison in the county of Onslow, and other purposes therein mentioned.*

I. **WHEREAS** by experience 't is found that the situation of the court-house in Onslow county, before it was destroyed by the storm, was not central, and by reason of a wide ferry, often impassable, very inconvenient to the greatest part of the inhabitants, and that there are no houses for accommodation near the place; for remedy whereof,

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that the Justices of the county of Onslow shall have full power and authority, and are hereby required, within the space of six months next after the passing this act, to erect a court-house, prison, pillory, and stocks, for the use of the county, and to agree with workmen to build and finish the same, at Wantland's ferry, in the said county.

III. *And be it further enacted,* that so much of the county taxes heretofore annually levied for that purpose, and now in the hand of the justices, shall be applied to the erecting the said new court-house, prison, pillory, and stocks, near Wantland's ferry, and to no other purpose whatsoever; and that hereafter all elections, and other business of the said county, shall be transacted at the said court-house by this act appointed to be built and erected.

IV. *And be it further enacted,* that for the convenience of the inhabitants of the said county passing to and from the said court-house, to transact their public business, the ferry called Wantland's ferry, at all such times, shall be main- the county charge, to be paid out of the county tax.

V. *And be it further enacted,* that so much of an act, intituled, *an act for the appointing and laying out a town, at or near Mittam's point, on the south side of New river, in Onslow county, by the name of Johnston,* for so much thereof as relates to holding the court, and transacting all other public business for the said county in the town of Johnston, is hereby, from henceforth repealed. p. 7.

CHAP. XII. *An act for the better regulation of the town of Newbern, and for securing the titles of persons who hold lots in the said town.*

I. **WHEREAS** the laws heretofore made for regulating the town of Newbern, have been found inconvenient: for remedy whereof,

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that from and after the passing of this act, it shall and may be lawful for the freeholders of the said town to meet at the court-house, annually, on the second Tuesday in November; and there to choose five freeholders of the said town to be commissioners for the ensuing year; which election of commissioners shall be by the suffrage of the majority of the freeholders of the said town, and that upon the said commissioners being so chosen and elected, and their names entered on the journals of the said town, they shall, before they enter upon the execution of their office, take the following oath.

I *A. Be do swear, that I will execute the office of a commissioner, for the town of Newbern, faithfully, impartially, and truly, without favour, affection, or prejudice; and that I will to the utmost of my power, in all things, act for the good of the said town, and the well governing of it, to the best of my skill and judgement.* **SO HELP ME GOD.**

Which said commissioners, after they have been so sworn, shall proceed to choose one out of their number to be treasurer of the said town; into whose hands all monies arising by the sale of lots in the said town, or otherwise howsoever arising or becoming due to the said town, shall be paid, and there kept till disposed of as hereafter directed.

III. *And be it further enacted, by the authority aforesaid;* that the said treasurer, before he enters upon the execution of his said office, shall give bond, with two sufficient securities, in the sum of two hundred pounds, proclamation money, to the commissioners of the said town, and their successors, for the faithful discharge of his said office.

IV. And for the better determining who shall be qualified to be elected as commissioners of the said town; *be it enacted,* that no person shall be deemed qualified to act as a commissioner of the said town of Newbern, unless he hath a lot of land therein, with a house on the same, of nor less dimensions than twenty four feet long, and 16 feet wide, with a brick chimney or chimnies to the same; and who shall have besides, a visible estate, of at least one hundred pounds, proclamation money.

V. And whereas by the laws heretofore made for regulating the said town, the method therein prescribed for clearing the streets, making and repairing bridges, and public wharfs, has been found inconvenient; *be it enacted, by the authority aforesaid;* that the commissioners of the said town, together with the freeholders thereof, shall meet at the court-house in the said town, on the third Tuesday in November next after the passing of this act, and so yearly, and every year, on the said third Tuesday in November, and then and there, by the consent of the majority of the said commissioners and freeholders then met, lay such a tax on the inhabitants of the said town, as shall be sufficient to defray the expence of clearing, making and repairing the streets, making and mending public wharfs and bridges, and for doing all public services the inhabitants of the said town are now subject to do and perform; and for defraying the ex-

pence of procuring a correct plan of the said town, and for all other necessary expences the commissioners may be at building a pound, employing a clerk, or appointing guards or watches, or other contingencies that may happen; provided the said tax does not exceed the sum of ten shillings, proclamation money, per poll; which said tax shall be collected by the sheriff of the county of *Craven*, and paid to the treasurer of the said town, within one month after the same shall be laid; and if any person shall withhold, and not pay the said tax, within one month after the same is laid, it shall and may be lawful for the said sheriff to make distress and sale of the offender's goods and chattels, in the same manner as for non-payment of other taxes, and to take and receive for his trouble two shillings and eight pence, proclamation money.

VI. And be it further enacted, by the authority aforesaid, that the inhabitants of the said town of *Newbern* shall be for ever hereafter excused from working on the streets of the said town, or from working on the country public roads, so long as they continue to live in the said town, and no longer.

VII. And whereas the settlement of the said town of *Newbern* hath been much retarded, by persons taking up lots in the said town, and not building thereon, as by the tenor of their deeds or grants is provided; and whereas after the time limited therein for improving the same, the same persons have been permitted to enter and take up the same again, whereby many lots in the said town lie unimproved; for prevention whereof, be it enacted, by the authority aforesaid, that the commissioners of the said town, for the time being, or any three of them, are hereby authorized, empowered, and directed, to grant, convey, and acknowledge, under the same restrictions and limitations in deeds given for lots by former commissioners of the said town, to any person requiring the same, and to their heirs and assigns, for ever, in fee-simple, any lot or lots of land within the said town, not already taken up and built on, agreeable to the laws heretofore made for regulating the said town, or any lot or lots that may hereafter be liable to be taken up for want of being built on as aforesaid, he or they paying for each lot twenty shillings, proclamation money, for the purchase money thereof, to and for the use of the proprietors of the said town.

VIII. Provided nevertheless, that where any person or persons shall hereafter take up any lot or lots in the said town, and shall not build thereon, within eighteen months from the date of their conveyance, a good habitable brick, stone, or framed house, of not less dimensions than sixteen feet wide, and twenty four feet long, the same person (except where the title of such lot or lots, before the expiration of the time for building thereon, shall fall to a minor or minors) shall not be allowed to take up the same again, until the said lot or lots hath lain vacant six months; but the same may be immediately, or at any time, granted to any other person or persons desiring the same, on the conditions herein before mentioned.

IX. And whereas sundry disputes may hereafter arise concerning the title to lots in the said town of *Newbern*, and the bounds thereof; be it enacted, by the authority aforesaid, that the commissioners or Justices, formerly appointed by an act of assembly of this province, and their successors, are hereby declared to have had a good, absolute, indefeasible estate in fee, in the two hundred and fifty acres of land, laid out by the said act, for the said town of *Newbern*, in trust and confidence, to and for the uses in the said act mentioned; and the commissioners by this act to be elected and chosen, are hereby declared to have a good, absolute, and indefeasible estate, in fee, in all such lots within the said town, which have not been disposed of by the former commissioners or Justices, and built on agreeable to law, in trust and confidence, to and for the uses in this act mentioned; and the said two hundred and fifty acres of land, laid out for the town of *Newbern*, as aforesaid, shall, for ever hereafter, be confirmed to the said commissioners for the time being, in trust and confidence, to and for the uses in this act mentioned. And all and every person and persons whatsoever, who have heretofore purchased and paid for any lot or lots in the said town, and have fully complied with the conditions of their deed or grant, or who may hereafter purchase, pay for, and fully comply with the conditions of their deed or grant, are hereby declared to be invested with a good, absolute and indefeasible estate, in fee, to such lot or lots, and the same are hereby confirmed, in fee, to such person or persons and to his and their heirs and assigns for ever.

X. And be it further enacted, by the authority aforesaid, that all water or front lots adjoining the streets or lots of the said town of *Newbern*, shall be deemed, held and taken to be part of the said town; and it shall and may be lawful for any person to take up the same, and build thereon, any wharf, store-house, or other improvement as they shall think proper, after giving three months notice in writing to the owner or owners of such lot or lots as shall front such water lots; and where any of the said water or front lots have been heretofore sold and conveyed by *Cullen Pollock, Esq*; deceased, the late proprietor of the said town, or any former commissioners of the said town, to any person or persons, whatsoever, such sale is hereby declared to be good and available in law, to pass the fee simple estate of such lot or lots to such purchaser or purchasers, his or their heirs and assigns, forever; and such purchaser or purchasers, his or their heirs and assigns, are hereby declared to have a good, absolute, and indefeasible estate, in fee, in and to the same.

XI. And for quieting the inhabitants of the said town in the possession of their lots within the same; be it enacted, by the authority aforesaid, that where a certificate shall be obtained from the commissioners of the said town, or oath made in the county court of *Craven*, by one credible witness, that any lot or lots within the said town have been saved according to the deed or grant for the same, such certificate or oath shall be deemed a good evidence in any court within this province, against any other subsequent deed or deeds that shall or may be given for any lot or lots within the said town; and all courts within this province, are hereby required to receive such certificate or oath as evidence accordingly.

XII. And be it further enacted, by the authority aforesaid, that the commissioners of the said town shall chuse a proper

person to be clerk of the said town, who shall, before he enters upon the execution of his office, give bond to the commissioners of the said town, with two good and sufficient sureties, in the sum of one hundred pounds, for the due execution of his office; which clerk shall keep a regular and fair journal of all the proceedings of the commissioners of the said town, and register therein all deeds given by the commissioners for lots in the said town, with the time when they were granted, and to whom, and also of the time when the same became payable, if suffered to become so; to which book all persons shall have free access, on paying one shilling, proclamation money, on penalty of twenty shillings like money, for every refusal; to be recovered as herein after directed: and the said commissioners are hereby empowered and required to cause the streets and palls of the said town to be laid out, beginning at the south west corner of the church lots; and good substantial posts to be set up at the corner of every square of lots in the said town; and also, to cause a true and exact plan of the said town to be made, with proper descriptions, and lay the same before the next session of Assembly; and if by them approved of, to be for ever hereafter deemed the true plan of the said town. *Provided*, that in such plan regard be had to the first owner of every saved lot, to preserve his title thereto, although it should appear to be mis-numbered.

XIII. And whereas the fence lately erected round the said town, is, by reason of its being done with rails only, gone greatly to decay, the rails being many of them rotten; and whereas it will be commodious for the inhabitants of the said town, that the said fence be kept in good repair; *be it enacted, by the authority aforesaid*, that the said commissioners and freeholders, at the time they lay the tax on the inhabitants of the said town, for clearing the streets thereof, shall, and they are hereby empowered and required, to lay such other tax on the owner or owners of every saved lot or lots within the said town, as shall be sufficient to fence the said town with posts and rails, and to keep the same in continual repair; provided that such tax does not exceed one shilling, proclamation money, in any one year: and the said commissioners are hereby also empowered and required, to employ a proper person, annually, to keep the said fence in repair; and also, to dispose and make sale of the remaining rails now to be found belonging to the said fence, for the best price that can be got for the same, and to apply the money to the common stock of the said town; which said tax shall be collected and paid in the same manner of the tax laid on the inhabitants for clearing the streets of the said town.

XIV. *And be it further enacted, by the authority aforesaid*, that if any person shall willfully pull down, take away, or by any means destroy the rails of the said fence, or shall willfully unhang, leave open, or otherwise injure the gates of the said town, whereby horses, or other creatures may be let out of the said town; such person or persons, being thereof lawfully convicted, shall forfeit and pay, for the first offence, forty shillings, proclamation money; and for the second and every subsequent offence, three pounds like money; to be recovered as herein after directed, and if any offender shall not be able to pay such fine, or is a servant or slave, he, she, or they, shall receive at the public whipping-post, thirty nine lashes, on his, her, or their bare back, well laid on.

XV. *And be it further enacted, by the authority aforesaid*, that no person inhabitant or freeholder of the said town, shall keep running at large therein, more than one cow and calf, and one horse, or six head of sheep, for every saved lot he or she shall be possessed of, on penalty of twenty shillings for every offence, to be recovered as herein after directed. And that no person whatsoever (except the inhabitants or freeholders thereof) shall keep running at large, in the said town, any horses, cattle, sheep, or hogs, (except their riding horses, during their stay therein, and persons bringing cattle to the market of the said town) on penalty of twenty shillings proclamation money, for every offence, to be recovered as herein after directed: and the commissioners of the said town shall cause a pound to be built, wherein shall be impounded all hogs, cattle, horses, or sheep, found running at large in the said town, contrary to this act.

XVI. And that the said town of *Newbern* may be the better regulated; *be it enacted, by the authority aforesaid* that the said commissioners, or the majority of them, shall have full power and absolute authority to pass such necessary rules and orders as to them shall seem meet, for removing all nuisances within the bounds of the said town, for persons to remove dirt and rubbish from before their doors, to grub and clear their lots, and make proper drains and water-courses through them; for pulling down all wooden chimnies already built in the said town, and preventing the building thereof for the future, in order to prevent dangers by fire, provided that six months notice be given to the owners of such chimnies as are already built, to pull down the same, and for all other things that may tend to the advantage and improvement of the said town, so as the same be not repugnant, but as near as may be, agreeable to the laws of *England* and this province.

XVII. *And be it further enacted, by the authority aforesaid*, that all fines and forfeitures in this act mentioned, the recovery of which is not otherwise directed, shall be by warrant under the hands and seals of the commissioners, or the majority of them, directed to any sworn officer of the county of *Craven*, to convene such delinquent or delinquents before them, at a certain day mentioned in the said warrant, and on conviction, to give judgment, and award execution, for such officer to levy the said fine by distress and sale of the offender's goods and chattels; which said fines such officer shall pay into the hands of the treasurer of the said town, as part of the common stock, and shall be applied towards defraying the contingent charges of the said town: and the commissioners of the said town, or the majority of them, are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid to the said treasurer by virtue of this act, as they shall think most for the good of the said town: and the said treasurer shall be obliged to account with, and pay to the proprietor of the said town, all monies which he shall receive for the purchase of lots in the said town: and also shall pay all monies belonging to the said town, to such person or persons as the commissioners, or the majority of them, shall direct, by warrant under their hands, to him directed.

XVIII. And that the number of the commissioners for the said town may be always kept up; *be it enacted*, that if

any of the said commissioners shall die, or remove out of the province, or refuse to qualify, the remaining commissioners shall elect and chuse others in the room and stead of those so dying, removing, or refusing to qualify as aforesaid.

XIX. And for the encouragement of the said town of *Newbern*, be it enacted, by the authority aforesaid, that the clerk of the court of *Craven* county, and the sheriff of the said county, shall keep their respective offices in the said town, on penalty of five pounds for every week they shall neglect the same; to be recovered in any court of record in this province, where the same is cognizable, by any person that shall sue for the same. And all elections, and other public business, of the like nature, belonging or appertaining to the county of *Craven*, shall be held and done in the said town, and at no other place whatsoever.

XX. And whereas heretofore little regard hath been paid to the orders given by the commissioners of the said town of *Newbern*; be it enacted, that the commissioners of the said town, for the time being, or the majority of them, shall have full power and authority to lay such fine on any person or persons that shall refuse or neglect to obey any of the rules and orders that shall be passed by the said commissioners, or the majority of them, for the better regulation of the said town, as they shall think fit, not exceeding twenty five shillings, proclamation money; and on refusal or neglect to pay the same immediately, to issue their warrant, directed to any sworn officer, to levy the same by distress and sale of the offender's goods and chattels, the like proceedings being first had as before directed for the commissioners to observe, in the recovery of fines imposed by this act.

XXI. And be it further enacted, by the authority aforesaid, that all and every other act and acts, clause and clauses, article and articles thereof, heretofore made, for so much thereof as relate to any other matter or thing within the purview of this act, is hereby repealed, made void, and of none effect.

CHAP. XIII. An act for the regulation of the town of Wilmington.

WHEREAS the erecting and establishing the town of *Wilmington* hath been found highly beneficial and convenient to the inhabitants of the southern parts of this province, and others carrying on commerce with them; for the better regulation and improvement of the said town,

II. Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the town called *Wilmington*, lying on the east side of the north east branch of *Cape Fear* river, shall be bounded and circumscribed in manner following, that is to say: to the north east by the lands of the late Governor *Gabriel Johnston*, Esq; deceased; upwards and below by the lands formerly belonging to *Michael Dyer*, running back one hundred and twenty poles from the river, as may more fully appear by the plan of a survey of the said town, made in the year of our lord on thousand seven hundred and thirty three, now in the Secretary's Office; which plan shall be forever hereafter the true and exact plan of the said town, by a reference to which all disputes in regard to streets, squares, lots, and their boundaries, are to be determined for the future.

III. And be it further enacted, by the authority aforesaid, that for ever after the passing of this act, the courts of the county of *New-Hanover*, the election of representatives to be sent to the General Assembly for the said town or county, the election of vestrymen for the parish of *St. James*, and all other public elections for the said county and town, shall be made and held in the town of *Wilmington*, and at no other place; any law, usage, or custom, to the contrary, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the sheriff of the county of *New-Hanover*, the clerk of the court for the said county, and the register of the said county, for the time being, shall for ever hold and keep their respective offices in the said town of *Wilmington*; and that if any of the said officers shall neglect or refuse so to do, each of them, so neglecting or refusing, shall, for every week he shall be a delinquent, forfeit and pay the sum of forty five shillings, proclamation money; to be recovered by any person who shall sue for the same, in the county court of *New-Hanover*, by action of debt, bill, plaint, or information; wherein no esoin, injunction, protection, privilege, or wager of law, shall be allowed or admitted of: one half to such informer, the other half to the commissioners of the said town for the time being, to be applied for the use and benefit of the said town.

V. And whereas by the unskillfulness of former surveyors, and neglect of the proprietors, the course of the streets, and bounds of the squares and lots, were never properly ascertained, by which many houses are misplaced, some encroaching upon the streets, and others upon the lots of their neighbours: for remedy whereof, Be it enacted, by the authority aforesaid, that all such houses as are now built, either wholly or in part, upon the streets, shall be allowed to remain so, until they are no longer tenable, and then the owner shall be obliged to pull such house or houses down, and clear the street or streets of all the rubbish; and when they build, to build within his, her, or their lot or lots, under the penalty of fifty pounds, proclamation money, to be recovered as herein after is directed. And where any person or persons has the whole, or any part of his or their house or houses, not having a brick chimney, or brick or stone cellar, on another person's ground, then it shall and may be lawful for the party injured, to give notice in writing to the owner or owners of such house or houses, to remove what part of the same may be on such person or persons lot or ground, in six months after the date of such notice, which he or they shall be obliged to do, under the penalty of fifty pounds, proclamation money; to be recovered in the supreme court of the district of *New-Hanover* county, by the party so injured, and to be applied to his proper use, and to no other purpose whatsoever.

VI. Provided nevertheless, that in case such house or houses have one or more brick or stone chimney, or brick or stone cellar, then the owner or proprietor of such house or houses shall not be obliged to remove the same, but may

be at liberty, and is hereby allowed to pay a ground rent, for what part he encroaches upon his neighbour, where notice or warning was not, before the building of such chimney or cellar, given of such encroachment; which rent, and all disputes arising about encroachments and damages upon lots, shall be ascertained and determined by the commissioners of the town, or the majority of them. And that the said commissioners may be the better enabled to discharge their trust, they are hereby required, at the expence of the town, to get a copy of the aforesaid plan of the said town, lodged in the Secretary's Office; and in case any disputes should hereafter arise, to lay out the streets or lots according thereto, beginning at the south east corner of Mr. John Morris's house, on Market Street, near the court-house; from which corner all future surveys of the said town shall be commenced.

VII. *And be it further enacted, by the authority aforesaid, that the said commissioners, or the majority of them, shall determine all complaints of nuisances, by lumber or rubbish lying upon the streets or wharfs, dangers of fire arising from wooden chimnies, or any such hazardous buildings, and pass such orders as they shall think necessary for the removal of the same.*

VIII. And whereas the inhabitants have been at a great expence in building a public wharf, where boats may come to and discharge; *Be it further enacted, by the authority aforesaid, that no vessel or vessels shall lie at the said wharf, or at any other public wharf to be built for the future, without licence first obtained from the commissioners; and if any person or persons shall incumber any of the said wharfs with naval stores, lumber, or any other thing whatsoever, such person or persons shall be obliged to remove such incumbrances within twenty four hours after notice thereof given by the commissioners, or the majority of them, under the penalty of forty shillings, proclamation money; to be recovered by a warrant from the commissioners of the said town.*

IX. *And be it further enacted, by the authority aforesaid, that the commissioners of the said town for the time being, or the majority of them, are hereby empowered to pass such order as they may judge proper, for the bringing to justice, or prosecuting those who shall deal or traffick with negroes, without proper tickets from their masters, mistresses, or overseers: and for preventing all mobs or cabals of negroes, or others; for the more effectually bringing to justice all criminals and offenders against the laws of this province; and also for preserving the peace and safety of the said town, to appoint proper guards or watches in the said town as often as occasion may require, to be ready on all occasions of riot and disturbance, or to prevent malefactors breaking the prison or goal. Provided, that one of the commissioners be of the number of the said watch to give necessary orders.*

X. And whereas the allowing of hogs to run at large in the said town, is found to be a great nuisance to the inhabitants; *be it enacted, by the authority aforesaid, that none of the inhabitants of the said town shall, on any pretence whatsoever, suffer any of their hogs to run at large within the bounds of the said town; and any hog or hogs, running at large, shall be forfeited to any person who shall seize or kill the same. § 11, 12, Obsolete, 1771, 20. no brot.*

XIII. *And be it further enacted, by the authority aforesaid, that the inhabitants of the said town shall be, and they are hereby exempt, and forever hereafter excused from working on the country public roads, during such time as they live in the said town, and no longer.*

XIV. And as there are many lots in the said town not yet cleared, nor proper drains nor runs made through them to let the waters have a free course, to the manifest injury and unhealthiness of the inhabitants of the said town; *Be it further enacted, by the authority aforesaid, that the commissioners for time being, or the majority of them, shall, and they are hereby directed, to order the proprietor or proprietors of any lot or lots, to clear all or any part of them, and to make proper drains or water-courses through them, within six months from the time of the date of such order, in writing, signed by the commissioners of the said town for the time being, or the majority of them; and any person neglecting or refusing, shall forfeit and pay the sum of twenty shillings, proclamation money, for every month they shall refuse or neglect to obey such order, to be recovered by a warrant, under the hands of the commissioners, or the majority of them, directed to one of the constables of the said town, on the effects of such delinquent or delinquents.*

XV. And whereas the damages that may arise from fire in the said town, may be very great, and a necessity appears for providing one or more water-engines; *be it enacted, by the authority aforesaid, that the commissioners, or the majority of them, shall, within two years after the passing of this act, value every house within the bounds of the said town, and lay a tax not exceeding two per cent. on such value, upon every owner or owners of such house or houses; which monies, so laid, shall, by order of the said commissioners, or the majority of them, be collected, and applied towards purchasing water-engines, buckets, ladders, and other instruments for the extinguishing of fire; and if any person shall neglect or refuse to pay such tax, the same shall be levied by a warrant under the hands of the commissioners, or the majority of them, directed to one of the constables of the said town, on the effects of such delinquent or delinquents.*

XVI. *And be further enacted, by the authority aforesaid, that the commissioners for the time being or the majority of them, shall, and are hereby empowered, to pass any orders they may judge proper, for preventing the building of necessary houses on any stream of water running through the said town, or having drains from such houses into any of the said streams; to remove such houses already built; for preventing of cattle being kept up in a penn above three days without being sufficiently fed and watered; for preventing mortar, clay, or wooden chimnies being built, and for pulling down such as are already built; for making the people keep their chimnies clean, and raising them to a proper height, not under four feet above the ridge of the roof; for preventing the keeping naval stores or lumber, in any houses whereby damages may arise to neighbours; for obliging all persons to clear the streets before their houses*

for all other things for the good and safety of the said town, and the proper government of it consistent with the laws of this province; and to enforce such orders, by laying a fine, not exceeding forty shillings, proclamation money, on all persons neglecting or refusing to comply therewith.

XVII. *And be it further enacted, by the authority aforesaid, that the commissioners for the time being, shall hire a town clerk, and shall keep a town book; in which shall be entered all the orders they may make, the defaulters on the streets, and the accounts of the monies they may have received, the manner they have applied such monies, and what sums may remain in their hands, under the penalty of fifty pounds, proclamation money; to be recovered by any person who shall or may sue for the same, in the supreme court of the aforesaid district; wherein no essoin, injunction, protection or wager of law, shall be allowed or admitted of.*

XVIII. *And be it further enacted, by the authority aforesaid, that the commissioners, on going out of office, shall pay into the hand of their successors, such sum or sums of money as they have in their hands; and in case they should neglect or refuse so to do, they shall forfeit and pay fifty pounds, proclamation money; to be recovered by such succeeding commissioners, by action of debt, in the supreme court of the aforesaid district; wherein no essoin, protection, injunction, or wager of law, shall be allowed or admitted of.*

XIX. *And whereas often times during divine service, there are great disturbances in the streets, or near the place where the same is performed; be it enacted, by the authority aforesaid, that the constables in the said town, each in their turn, shall be obliged to walk the streets during the time of divine service, to prevent all such disturbances, and to apprehend all delinquents, who shall be punished as breakers of the sabbath.*

XX. *And whereas it may be necessary to lay a tax, annually, on all the male taxables in the said town, towards defraying the necessary charges that may accrue; be it enacted, by the authority aforesaid, that the commissioners, or the majority of them, for the time being, are hereby empowered, within twenty days after their being elected by virtue of this act, to lay such tax as may be thought necessary, provided the same does not exceed two shillings, proclamation money, per head; such tax to be collected by warrant under the hands and seals of the commissioners, or the majority of them, directed to the constables of the said town, or either of them, returnable in such time as shall be therein mentioned.*

XXI. *And be it further enacted, by the authority aforesaid, that the commissioners, or the majority of them, are hereby empowered to lay such fines on all who refuse or neglect to obey any of their lawful orders, after being made public, as they may judge necessary, not exceeding two pounds, proclamation money, for each default; to be levied by warrant under the hands and seals of the said commissioners, or the majority of them, directed to either of the constables of the said town, who are hereby obliged to execute the same; which fines, recovered as aforesaid, shall be applied to the public fund or stock of the said town.*

XXII. *Provided always, that it shall and may be lawful for any person or persons who shall think himself or themselves injured by such fine, to appeal to the justices of the county court, who are hereby empowered to determine the same in a summary way.*

XXIII. *And be it further enacted, by the authority aforesaid, that all fines and forfeitures, the method of recovery of which is not otherwise directed by this act, shall be recovered with costs, in any court of record in the county of New-Hampshire, respect being had to their jurisdiction, by the commissioners for the time being, or the majority of them, by action of debt, bill, plaint, or information; wherein no essoin, injunction, or wager of law, shall be allowed or admitted of. And all fines and forfeitures mentioned in this act, not exceeding two pounds, proclamation money, shall be recovered by a warrant under the hands and seals of the commissioners, or the majority of them, directed to the constables of the town, or either of them, against body or goods, as in actions of debt, and in all things subject to the same rules; all which fines or forfeitures, recovered in any of the before mentioned ways, shall be applied and paid into the stock of the said town.*

XXIV. *And be it further enacted, by the authority aforesaid, that the commissioners and the inhabitants, shall have free liberty to hold all their public meetings, on all occasions, in the court-house, and have the liberty of a key to the same.*

XXV. *And for the better ascertaining the method of chusing such commissioners, and the qualifications necessary for such commissioners; be it enacted, by the authority aforesaid, that any person who, on the day of election, and for three months next before, was seized, in fee simple, or for term of life, of a brick, stone, or framed house, with one or more brick or stone chimnies, of the dimensions of twenty feet long and sixteen feet wide, within the bounds of the said town, shall have a right to vote for such commissioners, and be sufficiently qualified to be commissioners for the said town; and that the number of five, such as are qualified as aforesaid, shall, annually, on the first Tuesday in January, be chosen commissioners for the said town; and two persons shall be chosen by the majority of the freeholders present, as inspectors of the poll, and attend and declare who are duly elected commissioners by virtue of this act; and upon the said five commissioners being elected, and their names properly entered in the town book, they shall before they enter upon their office, take the following oath before any Justice of the Peace for the county of New Hampshire; that is to say,*

I A. B. do swear, that I will execute the office of a commissioner for the town of Wilmington, faithfully and truly without favour or prejudice; and in all things act for the good of the said town, and the well governing thereof, to the best of my skill and judgment, according to law.

So help me God.

XXVI. *And be it further enacted, by the authority aforesaid, that in case of refusal, removal, or death, of any of the commissioners, either before or after their being qualified as aforesaid, the other commissioners, or the majority of them, shall chuse another in the room of him or them so dying, refusing, or removing as aforesaid, who shall be qualified in manner as before directed.*

XXVII. *And be it further enacted, by the authority aforesaid, that Cornelius Harnett, Frederick Gregg, Daniel Dunbibben, Arthur Mabson, and Thomas Finney, are hereby appointed commissioners of the said town, and shall be and continue in office until the first Tuesday in January next; and they, or a majority of them, shall have the same power and authority as the commissioners to be chosen by this act shall or may have, and be subject to the same penalties.*

XXVII. *And be it further enacted, by the authority aforesaid, that if at any time any tavern-keeper, ordinary-keeper, retailer of liquors, or keepers of public houses in the said town, shall suffer any person or persons whatsoever, to sit tipping or drinking in his or her house in time of divine service, on the sabbath day, or shall suffer any person or persons to get drunk in his or her house, on the sabbath day; such person or persons so offending, shall forfeit and pay twenty shillings, proclamation money, for every such offence; to be recovered by a warrant under the hand and seal of any Justice of the Peace for the county of New Hanover, and be paid into the public stock of the said town.*

XXIX. *And be it further enacted, by the authority aforesaid, that if any person or persons whatsoever in the said town, shall, on any pretence whatever, give any credit, loan, or trust to any mariner or seaman belonging to, or under the command of any master of a vessel that now is, or shall at any time hereafter be lying in the river of Cape-Fear, exceeding the sum of two shillings and eight pence, proclamation money, except by the leave or licence of the master or commander of the vessel he belongs to, or where such sailor or mariner shall have left the vessel, to apply to either of the courts of justice, in any disputes or controversies with the captain or commander of such vessel; that then and in such case, he, she, or they, shall, for every such default, lose all the monies or goods so trusted or credited.*

XXX. *And be it further enacted, by the authority aforesaid, that if any person or persons whatsoever in the said town, shall willingly or willfully entertain, harbour or keep, or suffer to be entertained, harboured or kept, directly or indirectly, any seamen belonging to any vessel as aforesaid, in his, her, or their house or houses, exceeding the space of six hours, without the privacy or consent of his commander, (except in the case before excepted) he, she or they, so offending, shall forfeit the sum of twenty-five shillings, proclamation money, for every such offence; to be recovered by warrant under the hand and seal of any Justice of the Peace for the county of New-Hanover, and paid into the public stock or fund of the said town,*

CHAP. XIV. *An act for establishing the titles of the freeholders in Edenton; for laying a tax for finishing the church begun in the said town, and for the further improvement and better regulation thereof.*

I. **WHEREAS** pursuant to several acts of Assembly of this Province heretofore passed, four hundred and twenty acres of land, lying in the fork of Queen Anne's creek, in Chowan county, bounded eastward by the lands of Miles Gale; northward, by the lands of William Badham and George Lisle; on the westward, by the Beaver-Dam and creek; and on the southward, by the sound, was purchased by the public, and laid out for a town, called Edenton; and part thereof divided into lots of half acres, as will more fully appear by the plan thereof already drawn, with convenient streets and passages, a place for a church, Governor's house, court-house, burying-place, market-place, council-room, and other purposes; and by the said acts, vested in fee, in commissioners or trustees, to dispose thereof according to the direction of the said several acts; and the commissioners or trustees of the said town, have conveyed lots, of half acres of land, to several persons, who have built thereon; And whereas several of the said acts have been since repealed or expired, whereby many mischiefs may arise, and the improvement of the said town much retarded, and the titles to lots in the same drawn into dispute: for remedy whereof,

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said commissioners or trustees heretofore appointed, are hereby declared to have had a good, absolute, and indefeasible estate, in fee, in the said four hundred and twenty acres of land, in trust and confidence, to and for the uses by the said several acts intended; and Thomas Barker, John Craven, Joseph Blount, Charles Blount, and James Luten, gentlemen, the present commissioners, are hereby declared to have a good, absolute, and indefeasible estate, in fee, in all such lots in the said town as have not been already disposed of by former commissioners or trustees, or have lapsed for want of complying with the conditions of the deeds by which the same have been granted; and the said commissioners shall hold the same in trust, and to the uses herein after mentioned, and for no other use or purpose whatsoever; and the said lots are hereby confirmed to them, and their successors, for such uses; any law, statute or usage to the contrary, and the repealing, expiring, or suspension of any law, notwithstanding.*

III. *And be it further enacted, by the authority aforesaid, that the said Thomas Barker, the present treasurer of the said town, and his successors in office, shall receive all monies arising by virtue of this act, to be applied as herein after directed; and on his death, or removal out of the county of Chowan, the next eldest commissioner shall succeed him in the said office, first giving security to the Justices of Chowan county, in the sum of one hundred pounds, for the just performance of the said trust; and at all times hereafter, in case of the death or removal out of this province of neither, or any of the commissioners of the aforesaid town of Edenton, it shall and may be lawful for the survivors, or a majority of them, to elect and chuse, out of the freeholders of the said town, another commissioner, or other commissioners, in the room and stead of him or them so dying or removing.*

IV. *And be it further enacted, by the authority aforesaid, that all deeds heretofore made by the commissioners for any lots of land in the said town, the conditions of which have been fulfilled and complied with, shall, and are hereby declared to be good and valid in law, and shall convey the fee-simple thereof to the grantees, their heirs and assigns, for ever.*

V. *And be it further enacted, by the authority aforesaid, that the commissioners of the said town, or any three of them, shall, and are hereby impowered and required, on application, to grant and convey, in fee simple, any of the lots of the said town, containing each half an acre, or thereabout, not before granted, or which have lapsed, or shall lapse, by the grantees, or those who hold or claim under them, not having complied with the condition of the deeds by which the same were or shall be granted, for which the grantees shall pay ten shillings, proclamation money, for each lot, if not a water-lot, and five shillings for each water-lot; and all deeds made for conveying such lots in the said town as are not water-lots, shall be on condition, that if the grantees, their heirs or assigns, shall not, within two years from the date of each respective deed, erect and build for each lot thereby granted, a good substantial brick, stone, or framed habitable house, not of less dimensions than twenty feet long, fifteen feet wide, and eight feet high between the first floor and the joists, or make such other improvements as by the majority of the commissioners shall be deemed equivalent, such deed shall be void; and all deeds to be made for conveying water-lots, shall be on condition, that if the grantees, their heirs and assigns, shall not, within two years from the date of each respective deed, secure the front street fifty feet from the water's encroachment, or build a wharf to the edge of the channel, such deed shall be void.*

VI. *And be it further enacted, by the authority aforesaid, that in all cases where deeds have been, or hereafter shall be made by the commissioners of the said town, or a majority of them, for any lot or lots, and the grantees, or those who hold under them, have not, or shall not comply with, and fulfil the conditions of the same, the commissioners may, and are hereby impowered to grant such lot or lots, to any person or persons applying for the same, in such manner as they might or could, if such lot or lots had never been before granted.*

VII. *And be it further enacted, by the authority aforesaid, that such persons as are owners of lots in the said town facing or fronting any water lots, shall have the preference in taking up such water lots, and no others shall be admitted to have deeds from the commissioners for the same, till after six months notice given to the owners of such lots so facing or fronting the water lots as aforesaid, and their neglecting in that time to apply for deeds for them.*

VIII. *And whereas his Excellency the Governor, and the other public officers of government, do not at present reside or keep their offices in Edenton, whereby eight acres of land, or thereabout, in the said town, heretofore appropriated to the use of the Governor or commander in chief for the time being, are not applied to any use or purpose whatsoever, but would greatly contribute to the better settlement of the town, were the commissioners invested with power to dispose of the same; and of late years the lands in some parts of the said town, adjacent to the water, has increased, but not being within the plan thereof cannot be disposed of to such as are desirous to purchase the same; Be it therefore enacted by the authority aforesaid, that from and after the passing of this act, it shall and may be lawful for the commissioners of Edenton, or a majority of them, to cause the said eight acres of land, more or less, heretofore appropriated as aforesaid, to be laid out in such lots as they shall think most convenient, and cause a plan thereof to be made, and therein insert marks and numbers to the lots in the same contained; which lots so laid out, shall be by the commissioners, or a majority of them, on the third day of the next supreme court to be held at Edenton, sold in separate lots, at public auction; and the said commissioners shall make and execute deeds for the granting and conveying the same, to the purchaser or purchasers, and to his or their heirs or assigns for ever, without any condition or reservation whatsoever; and the money arising by such sale, shall be applied as herein directed, and the deeds which shall be so executed, shall, and are hereby declared to be good and valid in law, and shall, effectually, convey the fee-simple of the lots in the same mentioned, to the grantees, their heirs and assigns for ever; any law or statute to the contrary, notwithstanding.*

IX. *And be it further enacted, by the authority aforesaid, that the commissioners, or a majority of them, shall, and they are hereby directed to cause such land adjacent to the water, as has increased, and is not contained within the present plan of the said town, to be laid out in such lots as they shall think most suitable and convenient, and cause a plan of such lots to be made, with marks and numbers to the same inserted, and shall, on application, by deeds of conveyance, grant and convey the same in such manner, and under the like conditions as is herein before directed in the granting of such vacant lots as are contained in the present plan of the said town, and have not been heretofore appropriated to the use of the Governor or commander in chief, as is before recited; and all deeds which shall be executed for the same, shall, and are hereby declared good and valid in law, and shall, effectually, convey the fee-simple thereof to the grantees, their heirs and assigns for ever, on complying with and fulfilling the conditions to be expressed in the same deeds; and all lots to be granted in virtue of this act, shall be deemed and reputed to be within the bounds of the said town; and the owners thereof shall, at all times, be subject to the same duties, taxations and impositions, and entitled to the same rights and privileges, as the owners of lots already granted.*

X. *And to prevent disputes in respect to grantees of any lots, or those who claim under such grantees, having complied with the conditions in the deeds by which the same have been, or shall be granted; be it enacted, by the authority aforesaid, that in all cases where a certificate shall be had from the commissioners, or a majority of them, or oath shall be made in the county court of Chowan, by one credible witness, that any lot or lots hath or have been saved according to the conditions of the deed or deeds by which the same is, are, or shall be granted, such certificate, or a co-*

py of the record of such bath, shall, in all courts of law or equity, be deemed and held to be legal evidence, that the conditions of such deed or deeds have been fulfilled and complied with.

XI. *And be it further enacted, by the authority aforesaid, that the several parts within the present plan of the said town, laid out for streets, passages, the church, council-room, burying-place, market-place, court house, prison and common, be reserved for those uses, and no other.*

XII. *And be it further enacted, by the authority aforesaid, that the commissioners or a majority of them, may, and they are hereby impowered, annually, on the second Tuesday in January, to lay a tax on each male taxable in the said town, not exceeding one shilling and sixpence, proclamation money; to be applied towards the expence of building and repairing public wharfs, a market-house, or to defray other public charges in the said town; which tax shall be collected by such person as they shall appoint, who shall demand the same; and in case of refusal or neglect after such demand, levy the same by distress and sale of the goods of the person or persons so refusing or neglecting, and shall account for the same to the commissioners on oath.*

XIII. *And be it further enacted, by the authority aforesaid, that each and every person or person possessed, or who shall be hereafter possessed of any lot or lots of the said town, not yet cleared, shall, within the space of six months after the passing of this act, where they are at present in possession, and within six months after the date of their deeds, for any lots hereafter to be granted, cut down all brush thereon growing, and once in each year do the same, under the penalty of five shillings, proclamation money, for each neglect; to be recovered and applied as is herein after directed.*

XIV. *And to prevent annoyances and nufances; be it further enacted, by the authority aforesaid, that if any person or persons shall throw out, or lay in any public street, or upon any public place in the said town, any dirt, rubbish, dust or mortar, except such as are building or repairing houses, every person so offending, shall forfeit, to the commissioners of the said town, for every offence, ten shillings proclamation money, to be recovered and applied as is herein after directed; and if any such offence is committed by any servant or slave, such servant or slave shall be punished by whipping, not exceeding thirty lashes, by direction of two Justices of the Peace, provided the master or mistress refuses to pay the said fine.*

XV. *And be it further enacted, by the authority aforesaid, that as often as the overseer of the roads or streets in the said town shall summon the male taxables thereof to clear the said roads, streets, and public places, of all woods, weeds, rubbish, or other nufances, or to repair or mend the streets or bridges in the same, any person refusing to observe the overseer's direction, except such as by law are exempted from working on public roads in any county, he shall forfeit and pay, for every offence, the sum of ten shillings, proclamation money; to be recovered and applied as is herein after directed.*

XVI. *And be it further enacted, by the authority aforesaid, that the commissioners of the said town, shall within six months after the passing of this act, lay out, or cause to be laid out, the streets and passages of the same, and cause good posts to be set up to ascertain the bounds thereof.*

XVII. *And be it further enacted, by the authority aforesaid, that the commissioners of the said town, or a majority of them, may, and are hereby impowered, within one year after the passing of this act, to lay a tax on each and every person holding any lot or lots in the same, according to the number of his or her lots, not exceeding five shillings for each lot, to be applied towards fencing or ditching in the said town; and in case any person shall neglect or refuse to pay the same, he or she shall pay two shillings and six pence, over and above the said tax, for each lot he or she shall hold, to be recovered and applied as is herein after directed.*

XVIII. *And be it further enacted, by the authority aforesaid, that if any person after the said town shall be fenced or ditched in, shall voluntarily pull down, or destroy any part of the town fence or ditch, such person shall forfeit and pay, for every offence, ten pounds, proclamation money, to be recovered and applied as is herein after directed; and from and after that time, it shall and may be lawful for any person to take up and pound any hogs, shoats or pigs, which shall be found ranging at large in the said town, so long as the fence or ditch shall be kept in good repair; and the hogs, pigs or shoats, so taken up, shall be sold at auction, and the money arising thereby, given by the commissioners to the poor of the town.*

XIX. *And be it further enacted, by the authority aforesaid, that all fines and forfeitures in this act mentioned not exceeding twenty shillings, proclamation money, shall be recovered by a warrant under the hands and seals of the commissioners of the said town, or a majority of them; and all fines and forfeitures above twenty shillings, shall be recovered in any court of record, by action of debt, with costs, by the said commissioners.*

XX. *And be it further enacted by the authority aforesaid, that all fines and forfeitures by this act imposed, and not otherwise appropriated, and all monies which shall arise by the sale of any lots to be granted by the commissioners of the said town, as is herein before directed, and shall, and are hereby directed, after their reasonable charges and expences are deducted, to be applied towards building and keeping in repair, a market-house, and public wharfs, and towards buying one or more water engines, buckets, ladders, and other instruments, to be under the care of the said commissioners, for the safety and preservation of the said town, in case of accidents of fire, and to such other uses as the said commissioners shall think most convenient for the encouragement and advancement thereof.*

XXI. *And whereas the church in the said town, partly built by the charitable donations of religious and well disposed christians, for want of money in the hands of the commissioners, remains unfinished, and the present vestry of St. Paul's parish have neglected to lay a tax for the finishing thereof; wherefore, that the pious intentions of the donors may not be frustrated, in an undertaking so well intended for the encouragement of religion, be it enacted, by the*

authority *aforesaid*, that an annual tax of two shillings, proclamation money, shall be, and is hereby laid on each taxable person in the parish of *St. Paul*, in the county of *Chowan*, for two years next ensuing, and shall be collected by the sheriff in the same manner that public taxes are collected, and shall be accounted for and paid by him to the commissioners of the said church, who shall, and are required and directed to apply the same towards finishing the said church in a decent and workmanlike manner, and to call all former commissioners, their heirs, executors, or administrators, and others who have in their hands any money heretofore appropriated to that use, to account; and on their failing to account and pay the same, on motion to the supreme court at *Edenton*, to obtain judgment, and take out execution against them for so much as there shall appear to be due from them, giving ten days previous notice of such motion to the party against whom the same shall be made.

XXII. *And be it further enacted, by the authority aforesaid*, that the commissioners appointed for finishing the said church, shall, once in two years, account to the Justices of *Chowan* county court, for all money by the said commissioners already received, or hereafter to be received, either on account of the donations made, or taxes laid for building and finishing the same, and for whatever disbursement they have heretofore made, or shall hereafter make; and in case of their failing to account as *aforesaid*, the said Justices shall and may maintain an action against them for the money they shall have received, and recover the same with costs; and the monies so recovered, shall be applied towards finishing the said church as is before directed.

XXX GEORGE II. The 16th of May, 1757.

CHAP. IV. An act, for finishing the church in Wilmington.

I. WHEREAS by virtue of an act of Assembly passed in the year one thousand seven hundred and fifty-one, intituled, *An act for building a church in Wilmington, in St. James's parish, in New-Hanover county*, certain commissioners therein named have received the taxes which were laid, and the sums which were subscribed, or part of them, for and towards building the said church, and have caused part of the walls of the said church to be built, but have not, for some months, made any progress in the said work, nor have they rendered accounts of what money has been received and expended for the said building: in order therefore to finish the said church, to bring to account all those who have been concerned in receiving and paying money for the same, as well as those who are still in arrear for the taxes and subscription, allotted to the said church:

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that *John DuBois, Cornelius Harnett, and George Wakely, Esqrs.* or the majority of them, be, and are hereby constituted and appointed commissioners for finishing the said church, in the room and stead of the commissioners appointed in and by the act herein before recited, with full power and authority to them the said *John DuBois, Cornelius Harnett, and George Wakely*, or the majority of them, to account with the former commissioners, or any of them who have received money or effects for the purpose *aforesaid*; and also, to bring to account every sheriff who is in arrear for parish taxes appropriated to the said church, and all persons who have neglected to pay the sums by them respectively subscribed: and if any former commissioner, the executors or administrators of any commissioner, any sheriff, or other person in arrear, or suspected to be in arrear as *aforesaid*, or having any money or materials which have been appropriated for building the said church, in his or their custody, shall refuse or neglect, on request to him or them made, to account with the said *John DuBois, Cornelius Harnett, and George Wakely*, or the majority of them, upon oath, or to produce vouchers where the nature of the case requires, and to pay the balance by him or them respectively due; then upon such refusal or neglect, it shall be lawful for the supreme court at *Wilmington*, or for the county court of *New-Hanover*, (where the sum is within the jurisdiction of that court) upon motion of the said *John DuBois, Cornelius Harnett, and George Wakely*, or the majority of them, to give judgment against such commissioner, sheriff, or other person or persons, for all the money wherewith he is, or they are chargeable, for the purpose *aforesaid*, and thereupon to award execution against the goods and chattels, lands and tenements, of such commissioner, sheriff, or other person: provided that such commissioner, sheriff, or other person, shall have ten days notice of such motion.

III. *And be it further enacted, by the authority aforesaid*, that the said commissioners, or the majority of them, shall, every year, at the first meeting of the vestry of *St. James's parish*, after *Easter-Monday*, render to the said vestry, upon oath, a fair and just account of all the money and effects they shall have received and expended by virtue of the trust hereby in them reposed; and the said vestry shall transmit to the session of the General Assembly next after their said meeting, a duplicate of the said accounts, with their report thereupon.

IV. *And be it further enacted*, that the said commissioners, or the majority of them, shall proceed in building and finishing the said church, as far as the sums and materials they shall receive by virtue of this act, will enable them; and in such building and finishing shall be guided by the directions of the vestry of *St. James's parish*, which they shall from time to time receive.

CHAP. V. *An act for establishing a town on the land of James Leslie, on Roanoke river.*

I. **W**HEREAS it hath been represented to this Assembly that the land of *James Leslie*, lying on the south side of *Roanoke river*, in *Edgcomb county*, is a healthy, pleasant situation, well watered, and commodious for commerce; and sundry merchants, and persons of note, have contracted with the said *James Leslie* for the purchase of one hundred acres of the said land, and are desirous that a town should be erected thereon, for promoting the trade and navigation of the said river:

II. *Be it therefore enacted, by the Governor, Council and Assembly, and by the authority of the same*, that the said one hundred acres of land, when the same shall be laid off, according to the directions of this act, be, and the same is hereby constituted, erected, and established a town; and shall be called by the name of *Halifax*.

III. *And be it further enacted, by the authority aforesaid*, that from and after the passing of this act, *Thomas Barker, Alexander McCulloch, John Gibson, Richard Brownrig, and Robert Jones*, the younger, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said one hundred acres of land, to and for the uses, intents, and purposes, hereby expressed and declared; and they, or any three of them, shall have full power and authority to meet as often as they shall think necessary, and to appoint a public quay, and such place on the said river, for a public landing, as to them shall seem convenient; and to lay out four acres of the said one hundred for a market place, and other public buildings; and the residue thereof into lots, streets, lanes, and alleys, or so much of the same as will make at least one hundred and twenty lots, of half an acre each; and cause a plan thereof to be made, and therein to insert marks and numbers to each lot.

IV. *Provided nevertheless*, that nothing in this act contained shall be construed or extend to grant power to the said directors, or their successors, or any other freeholder of the said town, to keep a public ferry at the landing so to be appointed by the said directors, in prejudice to the ferry to the said *James Leslie*, now by law established. And in case it should hereafter be found necessary to erect a public ferry at the said landing, the right of keeping the same shall remain to the said *James Leslie*, his heirs and assigns, until he or they shall refuse to comply with the terms by law prescribed for erecting and keeping public ferries.

V. And whereas subscriptions have already been made for one hundred and twenty lots, to be laid off in the said town; *be it further enacted, by the authority aforesaid*, that the said directors, or the majority of them, within one month after the laying off the said town, shall appoint a time, and give public notice thereof, for meeting the said subscribers on the said land, for determining the property of each particular lot; which shall be done by ballot, in a fair manner, by the direction of, and in presence of the majority of the said directors at least; and each subscriber shall be intitled to the lot or lots which shall happen to be drawn for him, and correspond with the number contained in the plan of the said town; and the said directors, or the majority of them, shall make and execute deeds for granting and conveying the said one hundred and twenty lots to the subscribers, their heirs and assigns, for ever; and also to every other person who shall purchase any other lot or lots in the said town, at the costs and charges of the grantee to whom the same shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee-simple.

VI. *Provided nevertheless*, that every grantee of any lot or lots in the said town, so conveyed, shall, within three years next after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed house, sixteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous: and if the owner of any lot shall fail to pursue and comply with the directions in this act prescribed for building and finishing a house thereon, then such lot upon which such house shall not be built and finished, shall be reverted in the said directors; and the said directors, or the majority of them, may, and are hereby impowered and authorised to sell such lot for the best price that can be had, to any person applying for the same, in such manner, and under such restrictions, as they could or might have done, if such lot had not before been sold or granted.

VII. *And be it further enacted, by the authority aforesaid*, that the respective subscribers for the said one hundred and twenty lots shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before-mentioned, pay and satisfy to the said directors the sum of forty shillings, proclamation money, for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit in their own names for the same, and therein shall recover judgment with costs of suit.

VIII. *And be it further enacted*, that all monies which shall arise by a disposal of the said lots, granted by the said directors, and their successors, in execution of this act shall be received by the said directors; and after their reasonable charges and expences are deducted, shall be by them applied, in the first place, towards paying and satisfying the said *James Leslie*, one hundred and fifty pounds, for the said one hundred acres of land; and in the next place, in building and erecting a bridge over *Quakey creek*, for the convenience of travellers, in going to, and returning from, the said town; and the overplus thereof towards the advantage and improvement of the said town, in such manner as the majority of the said directors shall, from time to time, think convenient.

IX. And for continuing the succession of the said directors until the said town shall be incorporated; *be it enacted, by the authority aforesaid*, in case of the death, refusal to act, or removal out of the country, of any of the said directors, the surviving or other directors, or the major part of them, shall assemble, and are hereby impowered, from time to time, by instrument in writing, under their respective hands and seal, to nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the country; which new director, so nominated and appointed, shall, from thenceforth, have the like power and authority, in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act.

CHAP. VI. *An act for the better establishing a ferry on the North-East side of the North-West river of Cape-Fear, being the place commonly called or known by the name of Dawson's ferry.*

I. **W**HEREAS the ferry on the North-East side of the North-West river of Cape Fear, called Dawson's ferry, hath been of long standing; and found very convenient for travellers, and others: and whereas the land on the North-East side of the said river, where the public road crosses and leads to the Yadkin, and so to South-Carolina, is the property of William Dawson, who lives thereon; and being desirous that the said ferry should be continued and fixed at the same place: wherefore, for the encouragement of the said William Dawson, and conveniency of all travellers, and to prevent the removing the ferry from the place aforesaid;

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the said ferry is hereby invested in, and shall from henceforward, be held and deemed the right and property only of the said William Dawson, his heirs or assigns.

III. *And be it further enacted, by the authority aforesaid*, that the said William Dawson, his heirs or assigns, shall, as soon as conveniently may be, build or provide a good and substantial boat, fit for the transportation of men and horses, and shall maintain and keep the same always in good repair, and give constant attendance at the said ferry; and shall also, for the true performance of the same, at the county court of Cumberland, next after the passing of this act, enter into bond, with good and sufficient security, to be adjudged and approved of by the said court.

IV. *And be it further enacted, by the authority aforesaid*, that after a boat is so built or provided, and the security given as aforesaid, that it shall and may be lawful for the said William Dawson, his heirs or assigns, to take and receive from all persons that shall pass over the said ferry, the following rates; that is to say, four pence, proclamation money, for a man and horse, and two pence like money for a footman; and one shilling for each carriage drawn by one or two horses, and for each horse more four pence; and one penny for each steer, cow, hog or sheep.

V. And whereas part of the road on each side of the said ferry, wants to be cleared and made good; *be it enacted, by the authority aforesaid*, that the said William Dawson shall, at his own expence, clear the same; that is to say, on the North-East side of the said river, from the ferry to Black river, and so on the South-West or opposite side of the said ferry to Cumberland court-house; and that the same shall afterwards be kept in repair, and maintained by the commissioners and overseers of the district in which the said roads lie.

CHAP. X. *An act, to amend an act, entitled, An act, for the better regulation of the town of Newbern; and for securing the titles of persons who hold lots in the said town. p. 20.*

I. **W**HEREAS many disputes have arisen among the inhabitants of the said town, concerning who are to be deemed taxables;

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that from henceforward, none but males shall be subject to pay the town tax; any usage or custom to the contrary notwithstanding.

III. And whereas the commissioners of the said town cannot lay a tax without consent of the freeholders, or the majority of them, present, whereby many inconveniences have arisen, greatly prejudicial to the good government of the said town; *be it enacted, by the authority aforesaid*, that the commissioners of the said town, or the majority of them, shall have full power and authority, to lay any tax on the male taxables of the said town, not exceeding ten shillings per poll, per annum; and the commissioners shall, annually, put up an account of the monies by them received and expended, at the court house.

IV. And whereas the allowing of hogs to run at large in the said town, is found to be a great nuisance to the inhabitants; *Be it therefore enacted by the authority aforesaid*, that none of the inhabitants of the said town, shall, on any pretence whatsoever, suffer any of their hogs to run at large within the bounds of the said town; and any hog or hogs, of any inhabitant or inhabitants of the said town, running at large, shall be forfeited to any person who shall seize or kill the same.

V. *And be it further enacted, by the authority aforesaid*, that the commissioners, and the inhabitants, shall have free liberty to hold all their public meetings, on all occasions, in the court-house, and have the liberty of a key to the same.

VI. *And be it further enacted, by the authority aforesaid*, that if at any time any tavern-keeper, ordinary-keeper, retailer of liquors, or keeper of a public house in the said town, shall suffer any person or persons whatsoever, to sit supping or drinking in his or her house on the sabbath-day; such person or persons so offending, shall forfeit and pay,

twenty shillings, proclamation money, for every such offence; to be recovered by a warrant, under the hand and seal of any Justice of the Peace for the county of Craven; and which shall be paid into the public stock of the said town.

VII. *And be it further enacted, by the authority aforesaid,* that if any person or persons whatsoever in the said town, shall, on any pretence whatever, give any credit, loan or trust, to any mariner or seamen, belonging to, or under the command of any master of a vessel, that now is, or shall at any time hereafter be lying in the rivers of Neuse or Trent, exceeding the sum of two shillings and eight pence, proclamation money, except by the leave or licence of the master or commander of the vessel he belongs to, or where such sailor or mariner shall have left the vessel, to apply to either of the courts of justice, in any disputes or controversies with the captain or commander of such vessel; that then, and in such case, he, she, or they, shall, for every such default, lose all the monies or goods so trusted or credited.

VIII. *And be it further enacted, by the authority aforesaid,* that if any person or persons whatsoever in the said town, shall willingly or wilfully, entertain, harbour or keep, or suffer to be entertained, harboured or kept, directly or indirectly, any seamen, belonging to any vessel as aforesaid, in his, her, or their house or houses, exceeding the space of twenty-four hours, without the privy or consent of his commander, (except in the case before excepted) he, she, or they, so offending, shall forfeit the sum of twenty-five shillings, proclamation money, for every such offence; to be recovered by warrant, under the hand and seal of any Justice of the Peace for the county of Craven, and paid into the public stock or fund of the said town. *The rest Obsolete.*

CHAP. XIII. *An act, to dock the intail of certain lands now in possession of Harding Jones, under a devise in the will of Frederick Jones, Esq; his grand father, deceased, by whom the same were intailed.*

I. **WHEREAS** Frederick Jones, Esq; late of this province, deceased, being, in his life-time, seized in his demesne, as of fee simple, of, in, and to certain large tracts of land, lying and being in that part of Chowan precinct, now called Tyrrel county, and in Hyde and Craven counties; and being so seized, the said Frederick Jones did, by his last will and testament, bearing date the ninth day of April, in the year of our lord one thousand seven hundred and twenty two, devise, to his son William Harding Jones, in tail male, all his lands on the South side of Meatauck river, and all his lands in Hyde precinct; and in default of heirs male of the said William Harding Jones, devised the remainder of the said lands, in tail male, to his son Frederick Jones; and by the same will, the testator devised all his lands, in Craven precinct, in tail male, to his said son Frederick; and the said William Harding Jones, after the death of the said testator, in consequence of the said devise, became seized of the lands devised to him as aforesaid, and died seized thereof, without issue, in the life time of the said Frederick Jones, to whom the remainder was limited as aforesaid. Which said Frederick, under the said several devises, became seized of the said several tracts of land, in his life time, and soon after died so seized, leaving male issue, two sons, to wit, Harding Jones, and Frederick Jones; which said Harding Jones is now seized, in tail male, of, in, and to all the lands before mentioned; and the said Harding Jones, and the said Frederick Jones; who, by the will of the said testator, in default of heirs male of the said Harding Jones, will be entitled to the lands aforesaid, having, by their petition, set forth to this Assembly, that there is a large arrear of quit-rents due on the said lands, and that they are unimproved, and will be burthensome and useless, unless part of the said lands may be sold to raise money to discharge the quit-rents due aforesaid, and to improve the remaining part of them; and the allegations of the said petition having been fully made known:

II. We pray your most excellent Majesty that it may be enacted, *and be it enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that the intailment of the said lands, in the several counties aforesaid, so holden and possessed by the said Harding Jones, by virtue of the will of his grandfather Frederick Jones, the testator (except one thousand acres thereof, lying and being on Trent river, in Craven county, bounded by a line beginning at an oak on the head of Reedy branch, running by a line of marked trees to the head of Hood's creek; then down the Meanders of the said creek to Trent river; then up Trent river to the mouth of Reedy branch; then up Reedy branch to the first station) be docked and barred: and that it shall and may be lawful for the said Harding Jones to sell and convey the same, or any part thereof, in fee-simple, in order to enable him to discharge the arrears of quit-rents due thereon, and to improve the remaining part of the same, for the benefit and advantage of those who may hereafter, in remainder or reversion, be interested therein; and all deeds by him hereafter made, for conveying the same, shall be good and effectual in law, to convey the lands by the said deeds to be granted to the grantees, their heirs and assigns, for ever; any thing in the said will of the said Frederick Jones, deceased, grandfather of the said petitioners, contained, notwithstanding.

III. *Provided nevertheless,* That nothing herein contained, shall be construed to destroy or take away the right of his Majesty, his heirs and successors, nor the right of any body, politic or corporate, nor that of any other person or persons, in and to the said several tracts of land, (except that of the said Harding Jones and Frederick Jones, their, or either of their heirs, and the right of those claiming, or to claim, under them, or any, or either of them, in virtue of the intailment in the said will mentioned,) but the right, title and interest, which his Majesty, his heirs and successors, or any bodies, politic or corporate, or any other person or persons (except the said Harding Jones and Frederick Jones, their, or either of their heirs, and all claiming under them, or any, or either of them, by

value of the said intailment,) may have in and to the said several tracts of land, is hereby saved, secured and reserved; any thing in this act, to the contrary, notwithstanding.

IV. *Provided also,* that this act shall not take effect, or be in force, until his Majesty's approbation be had to the same.

XXXI GEORGE II. The 28th of April, 1758.

CHAP. VI. *An act for establishing a town on the land of Jonathan Phelps, on Perquimans river.*

I. **WHEREAS** it is has been represented to this Assembly that the land of Jonathan Phelps, lying on the south west side of Perquimans river, in Perquimans county, where the court-house and other public buildings are erected, is a healthy, pleasant situation, well watered and commodious for commerce; and the said Jonathan Phelps having signified his free consent, by a certificate under his hand and seal, to have one hundred acres of the said land laid off for a town, and fifty acres for a town common, which will greatly promote the trade and navigation of the said river:

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that the directors or trustees hereafter appointed, or the majority of them, shall, so soon as may be after the passing of this act, cause the said one hundred acres of land to be laid off in lots of half acres each, with convenient streets, lanes, and alleys, reserving two acres of the said land for the court-house, and other public buildings; which lots, so laid off according to the directions of this act, is hereby constituted, erected, and established a town, and shall be called by the name of *Hertford*.

III. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, John Rieuisset, Joseph Sutton, John Harvey, John Clayton, and Joseph White, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, of the said one hundred and fifty acres of land, to and for the uses, intents, and purposes, herein expressed and declared; and they, or any three of them, shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot, and as soon as the said town shall be laid off as aforesaid, they, and each of them, shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for one hundred lots, or upwards, they shall appoint a day, and give public notice to the subscribers of the day appointed for the drawing of the said lots, which shall be done by ballot, in a fair and open manner, by the direction, and in the presence, of the majority of the said directors at least; and such subscriber shall be entitled to the lot and lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town: And the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said one hundred acres of land, in half acres as aforesaid, to the subscribers, their heirs and assigns, for ever; and also, to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee, to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots, by virtue of any such conveyance, shall and may hold and enjoy the same in fee-simple.

IV. *Provided nevertheless,* That every grantee of any lot or lots in the said town, so conveyed, shall, within three years next after the date of the conveyance for the same, erect, build and finish, on each lot so conveyed, one well framed, or brick house, sixteen feet square, at the least, and nine feet pitch in the clear, or proportionable to such dimensions; if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon, then such lot or lots, upon which such house shall not be built and finished as aforesaid, shall be re-vested in the said directors; and the said directors, or a majority of them, may, and are hereby empowered and authorized, to sell such lot or lots, for the best price that can be had, to any person applying for the same; and grant and convey such lot or lots to such person or persons, under the like regulations and restrictions, as the same was or were formerly granted; and the money arising from such sales, be applied by the said directors, or a majority of them, for the benefit and improvement of the said town.

V. *And be it further enacted, by the authority aforesaid,* that each respective subscriber who shall subscribe for any lot or lots in the said town, shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors, or to one of them, the sum of forty five shillings proclamation money, for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit in their own name for the same, and therein shall recover judgment with costs of suit; and the said directors shall, as soon as they receive the said money, pay and satisfy to the said Jonathan Phelps, his heirs or assigns, the sum of forty shillings, proclamation money, for each lot, in full satisfaction for the said land, and the other five shillings shall be applied towards defraying the expence of laying off, and improving the said town, as a majority of the directors shall think proper.

VI. *And for continuing the succession of the directors until the said town shall be incorporated; be it further enacted, by the authority aforesaid,* in case of the death, refusal to act, or removal out of the county, of any of the said directors, the surviving directors, or the majority of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person, being a freeholder of

the said town, in the place of him so dying, refusing to act, or removing out of the county: which new director, so nominated and appointed, shall from thenceforth have the like power and authority, in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act: and when the said town shall be laid off, the said directors, or a majority of them, are hereby empowered to remove the court-house, and other public buildings, to a more convenient part of the town, which may or shall be laid off for that purpose.

VII. *Provided nevertheless*, that the said Jonathan Phelps shall have, to his own use, his dwelling-house, and other out-houses, with such lots as he shall choose adjoining them, not exceeding four lots, exclusive of the said one hundred acres: and the court of the said county, or their successors, shall not have power to appoint a public or other ferry at the said town, in prejudice to the said Jonathan Phelps; but that the keeping of the said ferry shall remain to the said Jonathan Phelps, his heirs and assigns, until he or they shall refuse to comply with the terms by law prescribed for erecting and keeping public ferries.

XXXII GEORGE II. The 23d of November, 1758.

CHAP. XVI. *An act for establishing a town on the lands formerly belonging to Zachariah Nixon, lying on the north east side of Little river, in Pasquotank county.*

I. **W**HEREAS it hath been represented to the Assembly, that in the year of our lord one thousand seven hundred and forty six, one hundred and sixty one and a half acres of land was purchased for a town and commons, fifty acres of which hath been laid out in half acre lots, with convenient streets; that there are now upwards of twenty habitable houses erected thereon, and upwards of seventy inhabitants; and that the same might soon be improved, if it was erected into a town by lawful authority:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the said one hundred and sixty one and an half acres of land, be, and the same is hereby constituted, erected, and established a town, and town commons, and shall be called by the name of Nixon town.

III. *And be it further enacted, by the authority aforesaid*, that from and after passing this act, Joseph Robinson, Thomas Nichol'son, William Lane, Aaron Morris, and Francis Nixon, he, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said one hundred and sixty one and a half acres of land, to and for the uses, intents, and purposes, herein expressed and declared; and that the said directors, or any three of them, shall have full power and authority to meet as often as they shall think necessary, and cause an exact plan of one hundred acres of said land to be made, as near as may be, agreeable to the streets already laid out, and to insert a mark or number of each lot; which plan shall be kept in some convenient place in the said town, for the view of such persons who have, or incline to have, a lot or lots in the same.

IV. *Provided nevertheless*, that nothing in this act contained shall be construed or extend to grant power to the said directors, or their successors, to dispose of, or interfere with, the titles of any lot or lots already saved in the said town, or for which any person or persons have, at the time of passing this act, a deed of sale or conveyance, signed and executed according to law, either by Zachariah Nixon, in his lifetime, or by the persons empowered by his last will and testament, to do the same; but such deeds and conveyances as aforesaid, provided the lot or lots therein mentioned has or have been saved, or be hereafter saved within three years after the passing this act, in the same manner as the lots hereafter to be granted are to be saved, pursuant to the directions of this act, are hereby confirmed, in fee, to such person or persons, and to his or their heirs and assigns, for ever.

V. And whereas it may be that some person or persons, owner or owners of one or more saved lots in the said town, has, or have neglected to have the said lot or lots made over to them by deed or conveyance, by either the said Zachariah Nixon, in his lifetime, or by the persons appointed by his last will and testament so to do since his decease: in order therefore to quiet and secure the said person or persons in the possession of his or their lot or lots, it is hereby enacted, by the authority aforesaid, that the said directors, or the majority of them, shall, at the proper cost and charges of the person or persons having one or more saved lots not made over to them, make and execute deeds for granting and conveying the same to him or them, his and their heirs and assigns, for ever.

VI. *And be it further enacted, by the authority aforesaid*, that the said directors, or a majority of them, within one month after the laying out of the said town, and making the plan thereof, shall appoint a time, and give public notice thereof, and so from time to time, as often as they shall think it necessary, to make sale of any lot or lots therein laying vacant or unimproved, to the high bidder: and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the same to such purchaser, his heirs and assigns, for ever, at the cost and charge of the grantee to whom the same shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee-simple.

VII. *Provided nevertheless*, that every grantee of any lot or lots in the said town so conveyed, shall, within three years next after the date of the purchase, erect, build, and finish, on each lot so conveyed, one good habitable house, with a brick or stone chimney, twenty feet long, fifteen feet wide, and nine feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot shall not comply

with the directions by this act prescribed, for building and finishing an house thereon then such lot shall be re-vested in the said directors; and the said directors, or the majority of them, may, and they are hereby empowered and authorized, to sell such lot, in the same manner as if the said lot had never been sold or granted; and in case of the refusal or neglect of any purchaser to pay the sum agreed for, the said directors shall and may commence and prosecute a suit, in their own names, for the same, and thereon recover judgment with costs.

VIII. And be it further enacted, that all monies which shall arise by the sale of said lots, shall be paid to the said directors, and their successors, and by them applied for the benefit and improvement of the said town, in such manner as the majority of the said directors shall think proper.

IX. And for continuing the succession of the said directors until the said town shall be incorporated, be it further enacted, by the authority aforesaid, in case of the death, refusal to act, or removal out of the county, of any of the said directors, the remaining directors, or the majority of them, shall assemble at said town, and are hereby empowered, from time to time, by instrument in writing, under their respective hands and seals, to nominate some other person (being a freeholder of the said town) in the place of him so dying, refusing to act, or removal out of the county; which new director, so nominated and appointed, shall, from thenceforth, have the like power and authority, in all things, in the matter herein contained, as if he had been expressly named and appointed in and by this act.

CHAP. XX. An act to relieve John Pope from a judgment obtained against him, in favour of the parishes of Edgcomb and St. Mary.

I. WHEREAS in the year one thousand seven hundred and fifty three the vestry of the parish of Edgcomb, in the county of Edgcomb, did lay a tax of two shillings and three pence, proclamation money, upon each taxable person in the said parish, for defraying the charges of the same, and appointed John Pope, gentleman, collector thereof; but it afterwards appearing that the said vestry was not legal, the said John Pope could not levy the said tax, or otherwise compel payment thereof; notwithstanding which, judgment hath been recovered against the said John Pope for the same, and he hath discharged great part thereof; and the said parish of Edgcomb, since imposing the said tax, hath been divided, and a part thereof erected into a distinct parish, by the name of the parish of St. Mary; and the vestries of the said parishes are in doubt whether they have power to release the said judgment without paying thereof, or refund the said John Pope the money by him paid in part thereof.

II. Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the vestries of the said parishes respectively may, and are hereby authorized and empowered, to repay the said John Pope such proportion of the said tax as they respectively have received, and to grant a release or releases to him for such part of the said judgment as they are intitled to receive, or to much of each as to them, in their discretion, shall seem reasonable; any law or usage, to the contrary, notwithstanding.

XXXIII GEORGE II. The 8th of May 1759.

CHAP. II. An act to empower the Justices of Dobbs county to hear and determine all causes commenced and undetermined in Johnston county court before the division of the said county.

I. WHEREAS by one act of Assembly made and passed at Edenton, in the year of our lord one thousand seven hundred and fifty eight, intituled, *an act for dividing the county of Johnston, and other purposes*, it is enacted, that from and after the tenth day of April, then next following, the said county of Johnston be divided by the dividing line between the parish of St. Patrick and the parish of St. Stephen; and that that part of the said county which was then the parish of St. Stephen should remain, be called, and known by the name of Johnston, and that that part of the said county which was the parish of St. Patrick be thenceforth erected into a distinct county, and called and known by the name of Dobbs; and whereas there is not any provision made in the said act for the trial of such causes as were commenced in Johnston county (now called Dobbs county) court, and undetermined on the said tenth day of April;

II. Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the Justices of Dobbs county court, shall and may, and they are hereby authorized, empowered, and directed, to hear, try, and determine, all causes which were pending in the said county court of Johnston, and undetermined on the said tenth day of April, and to give judgment and award execution thereon, in the same manner, to all intents and purposes, as the Justices of Johnston county court might or could have done if the said county had remained undivided; any law, usage, or custom, to the contrary, notwithstanding.

*N. C. L. 2, 1758, 12, 184.

CHAP. VII. *An act for enlarging the time allowed for saving lots in the town of Halifax, preventing the building wooden chimnies therein, and other purposes.*

I. WHEREAS by one act of Assembly, passed in the thirty first year of the reign of his present Majesty, intituled, *an act for establishing a town on the land of James Leslie, on Roanoke river*; among other things, it is provided, that the grantee of every lot in the said town shall, within three years after obtaining a conveyance for the same, erect and finish thereon a house of the dimensions therein specified; and on failure thereof, every lot wherein such house shall not be so erected, shall be re-vested in the directors of the said town by the said act appointed: and whereas the smallpox hath raged in the said town for many months past, whereby many persons have been prevented from saving their lots, agreeable to the direction of the said act:

II. Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that every lot in the said town on which a house shall be erected and built of the dimensions mentioned in the said act within the space of five years next after the passing of this act, and also every lot therein which shall hereafter be sold or conveyed on which such house shall be erected within the space of five years after the date of the conveyance made for the same, shall be, and is hereby declared to be vested in the grantee thereof, in fee-simple; any thing in the said recited act, to the contrary, notwithstanding.

III. And whereas suffering wooden chimnies to be built in the said town, may occasion accidents by fire; be it further enacted, by the authority aforesaid, that no person whatsoever shall hereafter erect any wooden chimney in the said town; and every person who hath already built any such wooden chimney therein, shall pull down or remove the same within the term of five years next after the passing of this act: and if any person or persons shall presume to do contrary hereto, in erecting any wooden chimney in the said town, or in failing to pull down or remove, within the time afore-mentioned, any such wooden chimney by him already erected herein, the directors herein after mentioned, or any two of them, are hereby authorized, impowered, and required to, pull down and destroy every such chimney, and shall not be liable to an action or damage for so doing; and if the said directors, or any of them, shall be sued for the same, they may plead the general issue, and give this act in evidence.

IV. And whereas John Gibson, gentleman, one of the directors of the said town, by removing to the colony of Virginia, hath vacated his said office; be it therefore enacted, by the authority aforesaid, that from and after the passing of this act, Thomas Barker, Alexander McCulloh, Robert Jones, jun. Richard Brownrig, Stephen Dewy, Thomas McKnight, and Daniel Weldon, gentlemen, be, and are hereby appointed directors and trustees of the said town; and shall and may use and exercise the same powers and authorities as the directors thereof appointed by the aforesaid act could or might have exercised, used, and enjoyed by virtue of the same: and in case of the death, refusal to act, or removal out of the country, of any of the said directors, the surviving or other directors shall and are hereby required and impowered, to chuse another director, agreeable to the directions of the said act, in the room of him so dying, refusing to act, or removing out of the country.

V. And be it further enacted, by the authority aforesaid, that the said directors, or any three of them, shall and may, and are hereby authorized and impowered, to make and execute deeds for granting and conveying to every person and persons who already have purchased, or hereafter shall purchase any lot or lots in the said town; and every person claiming any such lot or lots by virtue of any such conveyance, shall, and is hereby declared to have an indefeasible estate, in fee-simple, in the same. *p. 30.

CHAP. XIII. *An act for establishing a town on the land formerly granted to William Churton, gentleman, lying on the north side of the river Ence, in the county of Orange.*

I. WHEREAS it hath been represented to the Assembly by petition, that in the year of our lord one thousand seven hundred and fifty four, four hundred acres of land was granted to William Churton, which was afterwards laid off by him into a town and common; and that part of the said four hundred acres hath been likewise laid out into lots of one acre each, on some of which good habitable houses have been erected; and that by reason of the healthiness of the said place, and convenient situation thereof, for an inland trade, the same might soon become considerable if it was erected into a town by lawful authority, to which the said William Churton, who is now seized, in fee, of the greatest part of the said four hundred acres, and those who claim by conveyance under him, having consented:

II. Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said four hundred acres of land be, and the same is hereby constituted, erected, and established a town, and town common, and shall be called by the name of Childsburg.

III. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, James Watson, William Churton, William Reed, Esqrs. William Nunn, and Daniel Cane, gentlemen, and every of them, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said four hundred acres of land, to and for the uses, intents, and purposes, herein after expressed and declared; that is to say, that the said directors, or any three of them, shall have full power and authority to meet, as often as they shall think necessary, and cause an exact plan of

two hundred acres of the said land to be made, as near as may be agreeable to the streets and lots already laid out, and the residue thereof shall be and remain for a common thereto; and that the said directors shall insert a mark or number on each lot; which said plan shall be kept in some convenient place in the said town, for the view of such persons who have, or incline to have a lot or lots in the same.

IV. *And be it further enacted, by the authority aforesaid,* that when the said town shall be laid out, it shall and may be lawful for the said William Churton to reserve to himself, and have and keep to his own proper use, four acres of the said town, lying on the south-east corner thereof upon the river; three acres of which four acres, have formerly been laid out into lots, and are now in the plan of the said town, known and distinguished by the letters FG and H, and one other acre betwixt those lots and the river, and bounded by the lots number 5, and the letters FGH and the river; on which said lots the said William Churton shall stand seized of an indefeasible estate of inheritance, in fee-simple, in the same manner as if the said lots had been by him saved in manner as hereafter directed by this act, in consideration of the many services he hath performed for the inhabitants of the said town, and of his labour, expence, and pains, in laying out the said town.

V. *Provided nevertheless,* that nothing in this act contained shall be construed or extend to grant power to the said directors, or their successors, to dispose of, or interfere with the title or titles of any lot or lots already saved in the said town, or for which any person or persons have at the time of passing this act, a deed of sale, or conveyance, signed and executed agreeable to law, by the said William Churton; but such deeds and conveyances as aforesaid, if the lot or lots therein mentioned has or have been saved in manner as specified in the said deed or deeds from the said William Churton, or shall be hereafter saved within two years after the passing of this act, in the same manner as the lots hereafter to be granted are to be saved pursuant to the directions of this act, are hereby declared to be good and valid in law, and the grantee or grantees shall have and enjoy an estate, in fee-simple, therein. § VI, & VII, Repealed.

VIII. *And be it further enacted, by the authority aforesaid,* that James Watson, Esq., one of the directors aforesaid, shall be appointed present treasurer, and receiver of all monies arising by virtue of this act; and on his death, removal out of the said town, or refusal to act, then the said directors, or the majority of them, shall chuse one other of the said directors to succeed him; and every treasurer shall first give sufficient security to the Justices of the county court of Orange for the just performance of the said trust.

IX. *And be it further enacted, by the authority aforesaid,* that the said directors, or a majority of them, shall hereby have full power and authority to call any person or persons to account for any sum or sums of money by them received, either by the sale of any lots formerly granted, or hereafter to be granted, or from the ground-rent chargeable on each lot, and to receive the same, and give proper and full discharges thereupon.

X. *And be it further enacted, by the authority aforesaid,* that all the monies arising by the sale or taking up of the said lots, after the directors reasonable charges and expences for their several services are deducted, shall be appropriated, laid out and applied to such other use or uses as the said directors, or a majority of them, shall think convenient, for encouragement of the said town.

XI. *And for continuing the succession of the said directors until the said town shall be incorporated; be it enacted, by the authority aforesaid,* in case of the death, refusal to act, or removal out of the town, of any of the said directors, the remaining directors, or the majority of them, shall assemble at the said town, and are hereby empowered, by instrument in writing under their respective hands and seals, to nominate some other person, being a freeholder of the said town, and residing therein, in the place of him so dying, refusing to act, or removal out of the town; which new director so nominated and appointed, shall from thenceforth, have the like power and authority in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act.

XXXIV GEORGE II. The 30th of November, 1760.

CHAP. IX. An act for establishing a town on the land of Joseph Howell, on Tar river.

WHEREAS it hath been represented to this Assembly, that the land of Joseph Howell, lying on the south side of Tar river, in Edgcomb county, is a healthy pleasant situation, well watered, and commodious for trade and commerce; and James Mair, Lawrence Tool, Aquila Sugg, Eliza Battle, and Benjamin Hart, have contracted with the said Joseph Howell, for the purchase of one hundred and fifty acres of the said land, and have accepted and taken a deed of feoffment for the aforesaid one hundred and fifty acres from the said Joseph Howell, and caused the same to be laid off in lots and streets, and also a part thereof for a common for the use of the said town, and have sold a great number of the said lots of half an acre each to sundry persons, who are desirous that a town shall be established thereon, for promoting the trade and navigation of the said river:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that the said one hundred and fifty acres of land so laid off by the trustees or commissioners as aforesaid, be, and the same is hereby constituted, erected, and established a town, and shall be called by the name of Tarborough.

III. *And be it further enacted, by the authority aforesaid,* that James Mair, Lawrence Tool, Aquila Sugg, Eliza Battle, and Benjamin Hart, he, and they, and every of them, are hereby constituted directors and trustees, for designing,

building, and carrying on the said town, and they shall stand seized of an indefeasible estate, in fee, in the said one hundred and fifty acres of land, to and for the uses, intents, and purposes, hereby expressed, and declared; and they, or the majority of them, shall have full power and authority to meet as often as they shall think necessary, and to appoint a public quay, and such place on the said river for a public landing as to them shall seem convenient; and cause the plan of the said town as laid off by the said James Moir, Lawrence Tool, Aquila Sugg, Elisba Battle, and Benjamin Hart, to be recorded, and filed among the records of the court of the county of Edgcomb.

IV. And whereas subscriptions have already been made for one hundred and twenty one lots already laid off in the said town, and the same drawn for by the several subscribers or their agents; *be it therefore enacted, by the authority aforesaid*, that the said directors, or the majority of them, shall make and execute deeds for granting and conveying the said one hundred and twenty-one lots to the subscribers their heirs and assigns for ever; and also to every other person who shall purchase any other lot or lots in the said town, at the costs and charges of the grantee to whom the same shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold the same in fee simple.

V. *Provided nevertheless*, that every grantee of any lot or lots in the said town so conveyed, or hereafter to be conveyed shall, within three years next after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed house, sixteen feet square at the least, and ten feet high in the clear, with brick or stone chimney or chimnies, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot shall fail to pursue and comply with the directions in this act prescribed for building and finishing a house thereon, then such lot upon which such house shall not be built and finished, shall be reversioned in the said directors; and they, or the majority of them, may, and are hereby impowered and authorised, to sell such lot for the best price that can be had, to any person applying for the same, in such manner, and under such restrictions, as they could or might have done if such lot had not before been sold or granted; and the money arising by such sale to be applied as the directors, or the majority of them, shall think proper, for the use of the town.

VI. And for continuing the succession of the said directors until the said town be incorporated, *be it further enacted, by the authority aforesaid*, that in case of the death, refusal to act, or removal out of the county, of any of the said directors, the surviving or other directors, or the majority of them, shall assemble, and are hereby impowered from time to time by instrument of writing under their respective hands and seals, to nominate some other person, being an inhabitant or freeholder in the said town, in the place of him so dying, refusing to act, or removing out of the county, which new director so nominated and appointed, shall, from thenceforth, have the like power and authority in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act.

CHAP. X. *An act to amend an act, intituled, an act for the better regulation of the town of Newbern, and for securing the titles of persons who hold lots in the said town, passed the 30th day of September, one thousand seven hundred & fifty-six.*

I. **W**HEREAS by the before recited act the freeholders of the said town have liberty annually, on the second Tuesday in November, to meet at the court-house, then and there to elect and choose five freeholders of the said town to be commissioners for the same, but no directions to the sheriff, or any other person, to open the poll, or receive the votes for electing such commissioners; and the same hath been neglected or refused by the sheriff, on the day appointed as aforesaid for electing commissioners for the ensuing year, whereby the town is at present without commissioners, to the great detriment thereof: wherefore,

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the sheriff of Craven county, or his deputy, shall, on the second Tuesday in January next, before the hour of ten o'clock in the morning, open the poll, and receive the votes of the freeholders for electing said commissioners, as directed in the before-mentioned act, and continue the same open till sun-set, then shall proclaim the persons to be commissioners who shall have the most suffrages; and in like manner shall, on the second Tuesday in November annually, open the poll, receive the votes, and proclaim the commissioners as before directed, under the penalty of fifty pounds, proclamation money, for every neglect or refusal of complying with the directions of this act, to be recovered from the said sheriff by action of debt, bill, plaint, or information, in any court of record, wherein no essoin, injunction, or wager of law, shall be allowed or admitted, by any person or persons who shall sue for the same within one year after such neglect or refusal; one half to the prosecutor, the other half to be paid to the commissioners for the use of the said town, to be applied towards fencing in the same: which commissioners so chosen or elected, shall have all the powers and authorities mentioned in the said recited act, or any other act now in force, relating to the said town of Newbern. *p. 20.

I GEORGE III. The 20th of March, 1761.

CHAP. VIII. *An act for building a court house in the town of Newbern, in the county of Craven, for raising a tax, and for appointing commissioners for building the same, and for repealing an act &c.*

I. **W**HEREAS the said county is at present, and hath been for some years past without a court-house to hold their courts in; and the commissioners mentioned in the above recited act, having neglected building and finish-

ing the court house therein mentioned, to the great detriment and inconvenience of the inhabitants thereof.

II. *Be it therefore enacted, and it is hereby enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that a court-house for the said county, not exceeding sixty feet long, and forty feet wide in the clear, be built on the public lots in the town of Newbern, nearly opposite Mr. Rice's red house, or in the intersection of Broad-street, where a court-house is already begun, whichever of the said places they, the commissioners herein after appointed for carrying on the said building, or the majority of them, shall judge most convenient.

III. *And be it further enacted, by the authority aforesaid,* that a poll tax of two shillings, proclamation money, be, and is hereby laid on each taxable person within the said county of Craven, yearly, for three years, from and after the passing of this act; to be levied and collected by the sheriff of the said county, in like manner, and at the same time, as public taxes are collected; which shall by him be accounted for, and paid into the hands of the honourable Richard Spaight, Esq; Joseph Leech, and John Fonville, Esqrs. commissioners, hereby appointed for building and finishing the said court-house, or to the majority of them, or their orders, who are to build the same at their discretion; the first collection of the said tax to be made, accounted for, and paid by the said sheriff unto the said commissioners, or their orders, on or before the tenth day of April, 1762, and so, annually, till the said three years are expired.

IV. *And for the better enabling the said commissioners to carry on and finish the said court house as soon as may be, It is hereby enacted, by the authority aforesaid,* that they the said commissioners, or the majority of them, shall be, and they are hereby invested with full power and authority, to sell and dispose of the lot belonging to the said county, whereon the old court house and prison formerly stood, at public vendue, at any time hereafter, on giving public notice thereof, at least twenty days before the sale; and after such sale to convey and make over the same in fee-simple, to the person or persons so buying and paying for the same, and to their heirs, executors, administrators, and assigns, by such instrument or instruments in writing as shall be sufficient and available in law. *The rest Obsolete.*

CHAP. XV. *An act to dock the entail of certain lands therein mentioned, vesting the fee-simple thereof in Blake Baker, and for settling other lands in lieu thereof to the same uses.*

I. **W**HEREAS Colonel Barnaby M^cKinney, late of this province, deceased, being in his lifetime, seized in his demesne, as of fee, of, and into, certain tracts of land, lying and being in Halifax county (formerly Edgcomb) and being so seized, the said Barnaby M^cKinney did, by his last will and testament, in writing, bearing date the thirteenth day of August, in the year of our lord one thousand seven hundred and thirty-seven, devise to his son Richard M^cKinney, in fee tail (together with other lands) that tract of land whereon the said Barnaby M^cKinney then lived, bounded as followeth; beginning at the upper end of the cypress gut on Moratock river, at a place called the old mill dam; thence by the windings of the said gut to the great ditch; thence along the said ditch to the corner thereof at the road; and thence by the courses of the cypress gut to where William Brown's head line crosses the same; then by Brown's head line to his corner near the head of the Merry branch; then by Brown's lower line to a maple on Moratock river; as also, two hundred acres of land, purchased of colonel William Maule, adjoining William Brown's lower line; and all the remainder of the said Barnaby M^cKinney's lands on the south side of Moratock river, not before devised; and if his said son Richard should die, without heir, or lawful issue, then the plantation whereon the said Barnaby M^cKinney then lived, with three hundred acres of land adjoining, should descend to his son John M^cKinney, in fee-tail; and all other the lands before devised to the said Richard M^cKinney, should go to the two daughters of the said Barnaby M^cKinney, to wit; Patience Lane, and Mourning Pope, and the heirs of their two bodies, lawfully begotten, and to their heirs for ever, equally to be divided between them, and soon after died; and the said Richard M^cKinney, after the death of the said testator, in consequence of the said devise, became seized and possessed of the lands aforesaid, and so died seized thereof without lawful issue; by means whereof, John Lane, and Henry Pope, the lawful heirs of Patience Lane, and Mourning Pope, became seized as heirs at law to the said Patience and Mourning of the lands in the aforesaid devise mentioned; except the plantation, and three hundred acres of land limited as aforesaid to the said John M^cKinney. And the said John Lane, heir at law to the said Patience Lane, who, by the will of the said testator, in default of lawful issue of the said Richard M^cKinney, was intitled to one half of the said lands so limited to the said Patience and Mourning, entered, and was seized, and possessed thereof; and apprehending he had a fee-simple estate therein, agreed to sell the same to col. Joseph Lane, for the consideration of four hundred pounds, and executed a lease and release to the said col. Joseph Lane, for his part or share of the lands so limited to the said Patience and Mourning; and the said Joseph Lane apprehending that he had (after the conveyance by the said John Lane executed) an absolute estate, in fee-simple, to the said lands so conveyed by the said John Lane, agreed to sell the same to Blake Baker, for the consideration of five hundred pounds, and executed deeds of conveyance for the same to the said Blake Baker. And also whereas the said John Lane is seized, in fee simple, of, and into, one certain tract or parcel of land, containing, by estimation, six hundred and eighty three acres, lying and being in the parish of Edgcomb, in the county of Halifax, lately purchased by him of Joseph Lane by deed of feoffment; and also, whereas it will be greatly to the advantage of the eldest son of the said John Lane, to dock the entail of the said lands so limited to the said Patience his mother, whereby the said John may be enabled to provide for his younger children, and to settle the other parcel of land purchased of Joseph Lane as aforesaid, whereof he is seized in fee-simple, to the same uses; and so much as notice has been published three Sundays successively in the several churches and chapels in the said parish

of *Edgcomb*, in the county of *Halifax*, that application would be made to this present General Assembly, to dock the entail of the said dividend of land so limited to the said *Patience*, upon settling the other lands to the same uses, pursuant to your Majesty's instructions :

II. May it therefore please your most Excellent Majesty, at the humble suit of the said *John Lane*, and the said *Blake Baker*, that it may be enacted, and be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said lands so limited as aforesaid to the said *Patience Lane*, so as aforesaid agreed to be sold to the said *Joseph Lane*, and by him to the said *Blake Baker*, be, and are hereby vested in the said *Blake Baker*, his heirs and assigns, in fee-simple, to the only proper use and behoof of the said *Blake Baker*, his heirs and assigns, for ever. And that the other parcel of land herein before mentioned to be purchased by the said *John Lane*, lying and being in the county of *Halifax*, be, and is hereby vested in the said *John Lane*, in the same manner as is by the said will directed for the other lands so limited to the said *Patience* ; and the same shall remain, go, and descend, to all and every such person and persons, and for such estate or estates, and in such manner and form, as the said land so limited to the said *Patience* would have remained, gone, and descended, by virtue of any limitations in the will of the said *Barnaby McKinney* before mentioned, as if this act had never been made : saving to the King's most excellent Majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successors, other than the persons claiming under the will aforesaid, of the said *Barnaby McKinney*, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim, if this act had never been made.

III. And also, whereas the said *Barnaby McKinney*, by his last and testament as aforesaid, devised to his daughter *Christian McKinney*, and the heirs of her body lawfully begotten, and to their heirs for ever, three hundred and twenty acres of land, more or less, being the plantation leased to doctor *James Thompson*, known by the name of *Walnut fork* ; and two hundred and fifty acres, more or less ; including the plantation where *James Denson* lived ; and all the lands between the cypress gut and *Isaac Reck's* line, and the black pond ; and the said *Christian* intermarried with *William Hurst*, late of *Halifax* county, by whom she had issue *Mary*, her only child and heir ; and some time after the death of the said *Barnaby McKinney*, the said *Christian* departed this life, leaving issue the said *Mary*, who is intitled to the aforesaid two tracts or parcels of land so devised to the said *Christian* her mother, and apprehending that the said *Mary* had a fee-simple estate therein, and in order to purchase other lands and slaves of greater value than the aforesaid two tracts of land, to advance her fortune and interest, agreed to sell the same to *Blake Baker*, for the consideration of five hundred pounds : and whereas the said *Mary* is seized, in fee-simple, of and into one tract of land, containing by estimation two hundred and seventy five acres, lying and being in the county of *Halifax*, conveyed to *William Hurst*, father of the said *Mary*, by *Benjamin Sherrad* and *Patience* his wife, and by deed of gift, conveyed to the said *Mary* by the said *William Hurst*, her father ; and also, two hundred acres, lying and being in *Northampton* county, purchased of *Paul Patrick* and *Agnis* his wife, by the aforesaid *William Hurst*, and by him conveyed to the said *Mary* by deed of gift : and whereas it will be greatly to the advantage of the said *Mary* to dock the entail of the said two tracts of land so devised to the said *Christian* her mother, and to settle the other parcels of land whereof the said *Mary* is seized, in fee-simple, being of greater value, to the same uses : And soasmuch as notice has been published three Sundays successively, at the churches and chapels in the parish of *Edgcomb*, in the county of *Halifax*, that application would be made to this present general assembly to dock the entail of the aforesaid two tracts or parcels of land so devised to the said *Christian*, upon settling the other lands of greater value to the same uses, pursuant to your Majesty's instructions :

IV. May it therefore please your most excellent Majesty, at the humble suit of the aforesaid *Mary Hurst* and the said *Blake Baker*, that it may be enacted, and be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the two tracts or parcels of land so devised as aforesaid to the said *Christian*, so as aforesaid agreed to be sold to the said *Blake Baker*, be, and are hereby vested in the said *Blake Baker*, his heirs and assigns, in fee-simple, to the only proper use and behoof of the said *Blake Baker*, his heirs and assigns, for ever ; and that the aforesaid two hundred acres of land herein before mentioned, lying and being in *Northampton* county, conveyed to the said *Mary* by deed of gift as aforesaid, be, and is hereby vested in the said *Mary Hurst*, in the same manner as is by the said will directed for the other lands so devised to the said *Christian* in lieu and stead of the aforesaid three hundred and twenty acres of land so devised as aforesaid, and that the aforesaid two hundred and seventy five acres before mentioned, lying and being in the county of *Halifax*, conveyed to the aforesaid *Mary*, by *William Hurst*, her father, as aforesaid, be, and is hereby vested in the said *Mary Hurst*, in the same manner as is by the said will directed for the other lands so devised to the said *Christian*, in lieu and stead of the aforesaid two hundred and fifty acres of land so devised as aforesaid, commonly called the *Callidonia* plantation : and the aforesaid two tracts or parcels of land, so conveyed as aforesaid to the said *Mary*, shall remain, go, and descend, to all and every such person and persons, and for such estate or estates, and in such manner and form, as the aforesaid two tracts or parcels of land so devised to the said *Christian* severally would have remained, gone, and descended, by virtue of any devise or limitation in the will of the said *Barnaby McKinney* before mentioned, as if this act had never been made : saving to the King's most excellent Majesty, his heirs and successors, and to all and every other person or persons, bodies politick and corporate their respective heirs and successors, other than the persons claiming under the will of the said *Barnaby McKinney* as aforesaid ; or otherwise, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim, if this act had never been made. *Provided always*, that this act, or any thing herein contained, shall not take effect, or be in force, until his Majesty's approbation be had to the same.

CHAP. XIII. *An act for establishing a town on the land of William Herriage, at a place called Atkins's Banks, in Dobbs county.*

I. WHEREAS it has been represented to this assembly, that the land of *William Herriage*, lying on the north side of *Neuse river*, at a place called *Atkins's banks*, in *Dobbs county*, is a pleasant and healthy situation, and commodious for trade and commerce; and the said *William Herriage* having acknowledged his free consent to have one hundred acres of the said land laid off for a town, and fifty acres for a town common, which will greatly promote the trade of the said river:

II. Be it therefore enacted, by the Governor, Council, and Assembly and by the authority of the same, That the directors or trustees herein after appointed, or a majority of them, shall, so soon as may be, after the passing this act, cause the said one hundred acres of land to be laid off in lots of half an acre each, with convenient streets, lanes, and allies, reserving one acre and a half of the said land whereon the chappel and public warehouse now stands, for their respective uses; which land to laid off, according to the directions of this act, is hereby constituted, erected, and established a town, and shall be called by the name of *Kings-ton*.

III. And be it further enacted, by the authority aforesaid, that from and after the passing this act, *Francis McLeuean*, *Richard Caswell*, *Simon Bright*, jun. *John Shine*, and *David Gordon*, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, of the said one hundred and fifty acres of land, to and for the uses, intents, and purposes, hereby expressed and declared: and they, or any three of them, shall have power and authority to meet, as often as they shall think necessary, and cause a plan thereof to be made; and therein to insert a mark or number to each lot: and as soon as the said town shall be laid off as aforesaid, they, and each of them, shall have power to take subscriptions for the said lots, of such persons as are willing to subscribe for them: and when the said directors have taken subscriptions for fifty lots, or upward, they shall appoint a day, and give public notice to the subscribers of the day appointed for the drawing of the said lots which shall be done by ballot, in a fair and open manner, by the directions, and in the presence of the majority of the said directors, at least; and such subscriber shall be intitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said one hundred acres of land, in half acres, as aforesaid, to the subscribers, their heirs and assigns, for ever, under the rules, restrictions and provisos, hereafter mentioned; and also to every other person who shall purchase any lot or lots in the said town, at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lot by virtue of any such conveyance, shall and may hold and enjoy the same, in fee-simple.

IV. Provided nevertheless, that every grantee of any lot or lots in the said town so conveyed, shall, within three years next after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed or brick house, sixteen feet square at the least, and nine feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon; such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free for any other person or persons to take up, in the same manner, and under the like rules and restrictions, as other lots are directed to be granted to any other person or persons after the subscription lots are drawn for: and in case any person, owner of a lot or lots in the said town, shall die without heir, or legally disposing thereof, then, and in such case, such lot or lots shall revert and come to the said *William Herriage*, his heirs and assigns; any thing in this act contained to the contrary notwithstanding.

V. And be it further enacted, by the authority aforesaid, that each respective subscriber who shall subscribe for any lot or lots in the said town, shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the treasurer of the said town, forty five shillings, proclamation money, for each lot by him subscribed for: and in case of the refusal or neglect of any subscriber to pay the said sum, the treasurer shall and may commence and prosecute a suit in his own name, for the same, and therein shall recover judgment, with costs of suit: and the said treasurer shall as soon as he receives the said money pay and satisfy to the said *William Herriage*, his executors, administrators or assigns, the sum of forty shillings proclamation money, for each lot, in full satisfaction for the said lands; and the other five shillings shall be applied towards defraying the expences of laying off and improving the said town, as a majority of the directors shall think necessary.

VI. And be it further enacted, by the authority aforesaid, that *Francis Mackleuean* be, and is hereby appointed treasurer of the said town; who shall enter into bond with sufficient security, to the Justices of the inferior court of the said county of *Dobbs*, in the penal sum of three hundred pounds, that he will well and truly account with, and pay the monies he shall receive in virtue of his office to such person and persons as by this act he is directed: and on the death or removal out of the county of the said treasurer, the remaining directors, or any three of them, by certificate under their hands and seals, shall nominate and appoint one other of the said directors to be treasurer of the said town; and so in like manner, from time to time, as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond, with security, in the same manner as the treasurer by this act appointed.

VII. And for continuing the succession of the said directors until the said town shall be incorporated; be it further

enacted, by the authority aforesaid, that in case of the death, refusal to act, or removal out of the county, of any of the said directors, the remaining directors, or the majority of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing, under their hands and seals, to nominate some other person, being a freeholder in the said town, in the place of him so dying, refusing to act, or removing out of the county; which new director so nominated and appointed, shall from thenceforth, have the like power and authority, in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act.

CHAP. XIV. *An act for establishing a town on the lands of John and William Russell, minors, sons of John Russell, deceased, on the West side of the North-West branch of Cape Fear river, near the mouth of Cross Creek, by the name of Campbellton, and other purposes.*

I. **W**HEREAS the establishing a town on the lands of John and William Russell, minors, sons of John Russell, deceased, on the west side of the north-west branch of Cape Fear river, near the mouth of Cross Creek, will greatly encourage honest and able traders to reside therein; by mean whereof, the trade of the counties of Anson and Rowan, which at present centers in Charles-town, South-Carolina, to the great prejudice of this province, will be drawn down to the said town; And whereas the erecting a town on the said lands will be of great benefit and advantage to the said minors, in as much as the lands adjoining thereto will become of much greater value: Therefore,

II. *Be it enacted, by the Governor, Council, and assembly, and by the authority of the same, That the honorable John Sampson, Esq. Cornelius Harnett, Maurice Moor, Hugh Waddle, William Dry, Hector McNeile, Walter Gibson, Alexander M'Alister, Richard Lyon, William Bartram, and John Wilcocks, Esquires, are hereby appointed commissioners, and are vested with full power and authority, to lay off one hundred acres of land, part of a tract of six hundred and forty acres, belonging to John and William Russell, minors, sons of John Russell, deceased, situate on the West side of the North-West branch of Cape-Fear river, below the mouth of Cross-Creek, for a town, by the name of Campbellton: And the said commissioners, or the majority of them, are hereby directed and empowered, to lay out the said one hundred acres of land, as soon as conveniently may be, after the passing of this act, into lots of half an acre each, with convenient streets, and a square, for public buildings.*

III. *And be it further enacted by the authority aforesaid, That when the commissioners, or the major part of them, have laid out the said town into lots and streets as aforesaid, which lots being regularly numbered, and subscriptions taken for fifty lots, or upwards, they shall appoint a day for drawing the said lots, and give public notice thereof, at least three months before drawing the same, which shall be by ballot, in a fair and open manner, in their presence; and the subscriber shall be intitled to the lot which shall happen to be drawn for him and correspond with the number contained in the plan of the laid town; which lot or lots, the commissioners before appointed, or the majority of them, are hereby empowered to grant, convey, and acknowledge, to the person or persons so drawing the same, and his heirs and assigns, for ever, in fee-simple, upon the payment of three pounds, proclamation money, to the treasurer herein after named.*

IV. *And be it further enacted by the authority aforesaid, That Richard Lyon, Esq; be, and is hereby appointed treasurer and receiver of all such sum and sums of money which shall arise by the sale of the said lots, for the uses hereafter mentioned: And on the death, or departure out of the government of the said treasurer, the said commissioners, or the major part of them, shall appoint some other person treasurer, in the place of the said treasurer.*

V. *And be it further enacted by the authority aforesaid, That the treasurer herein appointed, and every treasurer that shall or may be hereafter appointed by the commissioners as aforesaid, shall give security to the inferior court of the county, in the sum of one thousand pounds, proclamation money, that he shall and will account with, and pay in all the monies he shall receive by the sale of all and every the lot and lots that shall be sold, yearly, on the first day of January, into the hands of the guardian or guardians of the said minors John and William Russell, for the sole use and benefit of them the said minors.*

VI. *Provided always, That if any lot or lots shall be granted and conveyed by the said commissioners, to any person or persons whatsoever, who shall not, within three years, build a good substantial habitable framed house, not of less dimensions than twenty feet of length, and sixteen feet wide, exclusive of sheds, or make such preparation for so doing, as the commissioners, or the major part of them shall, on view, think reasonable; such grant or conveyance shall be void, and it is hereby declared void and of none effect, as if the same had never been made: And the commissioners may grant and convey such lot or lots which shall not be built on within the time, and in the manner as is herein before directed, to any other person or persons applying for the same, and paying the money for the said lot as in this act is before directed, for the use of said minors John and William Russell.*

VII. *And whereas part of the said one hundred acres of land, whereon the said town of Campbellton is hereby intended to be built, is in Bladen county; and the inhabitants of Cumberland county have petitioned, that such part thereof may be added to Cumberland, and that the court-house, prison, and stocks, be removed to, and erected in the said town; Be it enacted, by the governor, council, and assembly, and by the authority of the same, That so much of the said land, being in Bladen county, as shall be judged necessary for establishing the said town, by the commissioners herein before appointed, or the majority of them (provided the same do not exceed one hundred acres of land) is hereby annexed to, and declared to be part of Cumberland county; any law, usage, or custom, to the contrary in anywise notwithstanding.*

VIII. *And be it further enacted, by the authority aforesaid, that the commissioners herein before appointed, or the majority of them, are hereby impowered and directed, to run an east line down to the river : beginning at the dividing line between Cumberland and Bladen, two hundred poles below the mouth of Cross-Creek ; which line being so run, as above directed, shall be henceforth taken and deemed to be the dividing line between the counties of Cumberland and Bladen ; any law, or usage, to the contrary notwithstanding. The rest Obsolete.*

CHAP. XV. *An act to lay a tax on the inhabitants of the several counties of the district of Halifax Superior Court, to repair the public prison thereof, and other purposes.*

I. **W**HEREAS the public prison of Halifax district, has, by experience, been found to be insufficient for the safe keeping of prisoners committed to the same ; for remedy whereof,

§. II. & III. *Laying a tax, &c. had their effect.*

IV. *And be it further enacted, by the authority aforesaid, that after such buildings and repairs shall be made as aforesaid, when any person or persons within the district of Halifax Superior court, shall be apprehended for any criminal offence, that on a conviction thereof, would incur the loss of life or member, it shall and may be lawful for the inferior court, or Justice of the Peace, as the case may be, before whom an examination of such criminal shall be had, if such court or Justice shall think it necessary, to commit such criminal to the aforesaid gaol ; and the sheriff of the county wherein such criminal shall be, is hereby directed and ordered to convey such criminal to the said gaol, and deliver him or them to the sheriff, or keeper thereof ; and take a receipt for such prisoner or prisoners from the said sheriff, or keeper ; which shall be his discharge for such criminal or criminals.*

V. *And be it further enacted, by the authority aforesaid, that after such buildings and repairs shall be made as aforesaid, the sheriff of the county of Halifax, for the time being, is hereby required and directed, when any criminal shall be committed to the said gaol, to employ some person of integrity to be keeper thereof ; who shall constantly reside in the said gaoler's house during the time such criminal shall be in gaol ; and shall also take all lawful means for preventing such criminal from escaping.*

VI. *And be it further enacted, by the authority aforesaid, that all incident charges attending the commitment and keeping such criminal or criminals, shall, if such criminal or criminals have not sufficient estate to satisfy the same, be paid by the public.*

CHP. XX. *An act for enlarging the time allowed for saving lots in the town of Hertford, and other purposes.*

I. **W**HEREAS by one act of assembly, passed in the thirty second year of the reign of his late Majesty, intituled, *an act for establishing a town on the lands of Jonathan Phelps, in Perquimans county*, among other things, it is provided, that the grantee of every lot in the said town shall, within three years after the obtaining a conveyance for the same, erect and finish thereon a house, of the dimensions therein specified ; and on failure thereof, every lot whereon such house shall not be so erected, shall be re-vested in the directors of the said town by the said act appointed ; and whereas the time limited by the said act has been found too short to complete the buildings on the said lots, whereby many persons are now likely to forfeit the same :

II. *Be it therefore enacted, by the governor, council, and assembly, and by the authority of the same, That every lot in the said town on which a house shall be erected and built, of the dimensions mentioned in the said act, within the space of five years, next after the passing of this act ; and also, every lot therein, which shall hereafter be sold or conveyed, on which such house shall be erected within the space of five years after the date of the conveyance made for the same, shall be, and is hereby declared to have vested in the grantee thereof, in fee-simple ; any thing to the contrary in the said recited act, notwithstanding.*

III. *And whereas suffering wooden chimnies to be built in the said town may occasion accidents by fire, be it further enacted, by the authority aforesaid, that no person whatsoever shall hereafter erect any wooden chimney in the said town ; and every person who has already built any such wooden chimney therein, shall pull down the same within the term of five years next after the passing of this act ; and if any person or persons shall presume to act contrary hereto, in erecting any wooden chimney in the said town, or in failing to pull down or remove, within the time aforesaid, any such wooden chimney by him already erected therein, the directors mentioned in the before recited act, or any two of them, are hereby authorised, impowered, and required, to pull down and destroy every such chimney, and shall not be liable to an action or damage for so doing ; and if the directors, or any of them, shall be sued for the same, they may plead the general issue, and give this act in evidence.*

IV. *And be it further enacted, by the authority aforesaid, That the said directors, or any three of them, shall and may, and are hereby authorised and impowered, to make and execute deeds for granting and conveying to every person and persons, who already have purchased, or hereafter shall purchase, any lot or lots in the said town ; and every person claiming any such lot or lots by virtue of any such conveyance, shall, and is hereby declared to have an indefeasible estate, in fee-simple, in the same. *p. 33.*

CHAP. XII. *An act for laying a tax on the inhabitants of the several counties of the district of Salisbury superior court, to repair the public gaol thereof.*

I. WHEREAS the public gaol of Salisbury district has, by experience, been found insufficient for the safe-keeping of felons and others committed to the same: for remedy thereof,

§. II. & III. *Relating to laying a tax, &c. had their effect.*

IV. *And be it further enacted, by the authority aforesaid, that after such buildings and repairs shall be made as aforesaid, when any person or persons within the district of Salisbury superior court, shall be apprehended for any criminal offence, that on conviction thereof would incur the loss of life or member, it shall and may be lawful for the inferior court, or Justice of the peace, as the case may be, before whom an examination of such criminal shall be had, if such court or Justice shall think it necessary, to commit such criminal to the aforesaid gaol; and the sheriff of the county wherein such criminal shall be, is hereby directed and ordered to convey such criminal to the said gaol, and deliver him or them, to the sheriff or keeper hereof, and take a receipt for such prisoner or prisoners from the said sheriff or keeper, which shall be his discharge for such criminal or criminals.*

V. *And be it further enacted, by the authority aforesaid, that after such buildings and repairs shall be made as aforesaid, the sheriff of the county of Rowan for the time being, is hereby required and directed, when any criminal shall be committed to the said gaol, to employ some person of integrity to be keeper thereof, who shall constantly reside in the said gaoler's house during the time such criminal shall be in gaol, and shall also take all lawful means for preventing such criminal from elcaping.*

CHAP. XVI. *An act for ascertaining a proper place for building thereat a court-house, clerk's office, prison, and stocks, for the county of Edgcomb.*

I. WHEREAS Redman's old field on Tyoncooca, the place heretofore appointed for building thereat a court house, prison, and offices, and for holding thereat the court for the said county, is found to be inconvenient and very improper for that purpose; and the Justices of their sessions for that county having certified the same to this Assembly, and recommended the town of Tarborough as the most proper place for that purpose, and the inhabitants of the said county having petitioned for the same:

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that Mr. Aquila Sugg, Mr. William Haywood, Mr. Joseph Howell, Mr. Sherwood Haywood, and Mr. James Hall, or a majority of them, shall and may, and they are hereby required and directed, to agree and contract with workmen for the building and erecting a suitable and sufficient court house, clerk's office, prison, and stocks; for the use of the said county, in the town of Tarborough, on such parts of the lots let apart by the commissioners or trustees for the said town, as to them shall seem most proper.*

§. III. & IV. *Laying a tax, &c. had their effect.*

V. *And be it further enacted, by the authority aforesaid, that from and after the passing of this act, the inferior court of pleas and quarter sessions for the county of Edgcomb, shall be constantly held by the Justices of the said county at some convenient house in the town of Tarborough, to be appointed by the said Justices, on the fourth Tuesdays in April, July, October, and January, yearly, until the court-house for the said county be built: and all causes, pleas, writs, actions, suits, complaints, process, precepts, recognizances, indictments, presentments, and other matters and things in the said court of Edgcomb depending, immediately after passing of this act, shall stand adjourned and continued, and are hereby adjourned and continued, from the court house at Redman's old field, on Tyoncooca aforesaid, to the court to be held for the said county in the town of Tarborough, as in this act is above directed; and all appearances and returns of process shall be made to the inferior court of pleas to be held for the said county at the town aforesaid; and all jurors and witnesses shall be bound to appear thereat, in the same manner, and under the same penalties, as if the said court had been continued at the said Redman's old field.*

VI. *And be it further enacted, by the authority aforesaid, that so much of one act of Assembly passed at Edenton, intitled, an act for dividing Edgcomb county*, as comes within the purview of this act, shall be henceforth repealed.*

V GEORGE III. The 25th of October, 1764.

CHAP. X. *An act for enlarging the time for saving lots in the town of Halifax, and other purposes.*

I. WHEREAS from many unavoidable hinderances, it hath been impracticable for the proprietors of lots in the town of Halifax to complete the buildings on the said lots agreeable to law:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that every lot in the said town on which a house shall be erected and built, of the dimensions mentioned in one act of Assembly, intituled,*

*N. C. L. 1741, 7, p. 71.

led, an act for establishing a town on the land of James Leslie, on Roanoke river; or one other act, intituled, an act for enlarging the time for saving lots in the town of Halifax, preventing the building of wooden chimnies therein, and other purposes; within the space of three years next after the passing of this act: and also every lot therein which shall hereafter be sold or conveyed, on which such house shall be erected within the space of three years after the date of the conveyance executed for the same; shall, and is hereby declared to be vested in the grantee thereof, and his heirs and assigns, in fee simple; any thing contained to the contrary in the said recited acts, notwithstanding.

III. And be it further enacted, by the authority aforesaid, that when any lot in the said town shall hereafter lapse, by reason of its not being built on, the directors and trustees of the said town, or the majority of them, shall and may, and are hereby directed and required, to sell such lot at public vendue, for the best price that can be got, and to give the purchaser a deed of bargain and sale for the lot by him so purchased.

IV. And be it further enacted, by the authority aforesaid, That the directors and trustees of the said town, shall and may, and are hereby directed and required, to make sale of all other lots in the said town not already disposed of, for the best price that can be got; and to give the purchaser of every such lot a deed of bargain and sale for the same.

V. And be it further enacted by the authority aforesaid, That the fee-simple estate of every lot in the said town, heretofore sold and conveyed in pursuance of either of the afore-recited acts, or that shall hereafter be sold or conveyed by virtue of this present act of assembly, that hath been, or shall be built on within the time or times limited by the said acts, or this present act, shall be, and is hereby vested in the purchaser of such lot, his heirs and assigns, against every person claiming, or to claim any right or interest therein.

VI. And be it further enacted by the authority aforesaid, That all monies which the said directors and trustees shall, from time to time, receive, for any lot or lots by them to be sold or disposed of, shall by them be applied to the common use and benefit of the said town.

VII. And be it further enacted, by the authority aforesaid, that it shall not be lawful for any person whatsoever to erect any wooden chimney in the said town; and every person who hath already built any such chimney therein shall pull down the same within the space of six months after the passing of this act: and if any person shall presume to act contrary hereto, in erecting any wooden chimney in the said town, or in failing to pull down any such chimney already erected, it shall and may be lawful for the said directors and trustees, or the majority of them, by their order, to direct the sheriff of the county of Halifax to pull down and destroy every such chimney; which order the said sheriff is hereby directed and required to obey, and shall be paid for every such service the sum of twenty shillings, proclamation money, by the party offending; and in case he shall fail or neglect to pay the same, it shall be levied on his goods and chattels, by a warrant of distress from the directors and trustees of the said town, or the majority of them.

VIII. And where as some of the directors and trustees of the said town are dead, and others of them removed out of the country; be it therefore enacted, by the authority aforesaid, that from and after the passing of this act, the honourable Alexander McCulloch, Esq; Robert Jones, jun. Blake Baker, Joseph Montfort, John Eelbank, James Young, and John Thomson, gentlemen, shall be, and they are hereby appointed directors and trustees of the said town, in the place and stead of those appointed by, or elected in virtue of the afore-recited acts; and shall and may use and exercise the same powers and authorities as the directors or trustees of the said town, appointed by the first recited act, could or might have exercised and enjoyed by virtue of the same; and in case of the death, refusal to act, or removal out of the country, of any of the said directors, the surviving or other directors shall, and they are hereby required and empowered, to choose another director, or other directors, in the room of such so dying, refusing to act, or removing out of the country; and such director or directors shall have the same power and authority, as if expressly named and appointed in and by this act. *pp. 30 & 36.*

CHAP. XI. *An act to encourage and empower William Dry to make a public road through the great island opposite to the borough of Wilmington.*

I. WHEREAS a road through the great island opposite to the borough of Wilmington will be very beneficial to travellers going to and from South Carolina, and to others going to the town of Brunswick, and up the north-west river of Cape Fear, and the said William Dry, being desirous to make and finish the same:

II. Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said William Dry shall, within six months after the passing of this act, stake and lay off, or cause to be staked and laid off, a road through the said island, beginning at his land on the said island opposite to market street in the said borough, and running westerly the nearest and most convenient way across to the north-west river.

III. And be it further enacted, by the authority aforesaid, that the said William Dry, his heirs, executors, or administrators, shall, within three years from the passing of this act, make and finish a good sufficient road through the said island, sixteen feet wide, and one foot above high water mark at spring tides, the ditches to be clear from end to end, and the inside of the ditches not to be less than six feet distant from the outside of the causeway, and convenient for carriages to pass and repass; and to make bridges, good and substantial, and a greable to law over all the creeks that the said road shall cross, under the penalty of two hundred pounds, proclamation money; to be recovered by action of debt, in any court of record, having cognizance thereof, the one half to the person suing for the same, and the other half to be applied towards lessening the county tax.

IV. And to encourage the said *William Dry* to make and finish the said road; be it further enacted, by the authority aforesaid, that in consideration of the said *William Dry*'s making and finishing the road as aforesaid, the ferries to be kept on both sides of the north-west river which the said road leads to, as also the ferry to be kept on both sides of the north-east river opposite to market street in the borough of *Wilmington*, and all perquisites and profits arising therefrom, are hereby vested in the said *William Dry*, his heirs and assigns, forever; and the said *William Dry*, his heirs and assigns, shall and may hereafter receive for transporting passengers, their horses and effects, over each of the said ferries, the following rates, to wit, for every foot passenger, four pence; for every single man and horse, eight pence; and when more than one man and horse, for each man and horse, four pence; for every two wheel carriage and its passengers, drawn by one or two horses, one shilling and four pence; for every four wheel carriage and its passengers, drawn by two or four horses, two shillings and eight pence; for every horse in the two wheel carriage more than two, in the four wheel carriage more than four, four pence each.

V. And as a further encouragement to the said *William Dry*, to cut, make, finish, and keep the said road and bridges in constant repair; be it enacted, by the authority aforesaid, that it shall and may be lawful for the said *William Dry*, his heirs and assigns, to be exempt from working twenty negro men on any other public roads in this province, for and during the space or term of five years, from and after the passing of this act, and no longer.

VI. And be it further enacted, by the authority aforesaid, that as soon as the said road is well and completely finished, and bridges built as aforesaid, the said *William Dry*, his heirs or assigns, shall, from time to time, for ever thereafter, at his or their own expence, keep the said road and bridges in sufficient and constant repair; and in case the said *William Dry*, his heirs, executors, administrators, or assigns, shall fail or neglect so to do, he or they shall be liable to the same pains and penalties for such failure or neglect, as the overseers of any public road are liable to by virtue of any act or acts of Assembly of this province.

VII. And be it further enacted, that if any person or persons shall, for fee or reward, contrary to the intent and meaning of this act, transport or carry any person or persons, their horses, carriages, or effects, over either of the branches of *Cape Fear* river, in order to his or their passing through or over the said island, such person or persons so offending shall, for every offence, forfeit and pay the sum of twenty shillings; to be recovered by a warrant from any Justice of the Peace; one half to be paid to the informer, and the other half to the said *William Dry*, his heirs or assigns.

VIII. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said *William Dry* to make use of any timber on either side of the said road that may be necessary for making and finishing the same.

IX. And be it further enacted by the authority aforesaid, that the said *William Dry* his heirs, executors, administrators, or assigns, shall, as soon as the said road is finished, provide good and sufficient boats, and other proper craft, for the transporting of all travellers and their effects, and for ever hereafter shall keep the same in sufficient and constant repair, and well and properly attended, under the penalty of twenty pounds, proclamation money, for every neglect; one half to the person suing for the same, and the other half to be applied for and towards lessening the county tax, to be recovered in any court of record within the counties of *Brunswick* or *New Hanover*, wherein the same is cognizable.

CHAP. XIII. An act to prevent the unreasonable destruction of fish in the rivers *Meherrin*, *Peedee*, and *Catawba*.

I. WHEREAS many avaricious persons, by fishing with several seines at the same fishing-place, and by keeping nets extended across the rivers *Meherrin*, *Peedee*, and *Catawba*, prevent the fish from passing up the said rivers, so that the inhabitants living on the upper parts of said rivers are deprived from the benefit of catching fish therein:

II. Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that it shall not be lawful for any person or persons, whatsoever, from and after the passing of this act, to draw or fish with more than one sein at any one fishing-place, or within one eighth of a mile of each other, on the said rivers, at a time, during the season for fishing, or to keep a net or sein extended and fixed across either of them, or to make any hedges, stops, or dams on the same, to hinder or prevent the fish from passing up the said rivers; and if any person or persons shall offend herein, he or they shall, for every such offence, forfeit and pay the sum of ten pounds, proclamation money; to be recovered by the informer, in any court of record, with costs, by action of debt.

V GEORGE III. The 3d of May, 1763.

CHAP. II. An act for opening and cutting two roads from the Ferry on the North-west river, opposite *Eagle's island*, in *Brunswick* county, and other purposes.

I. WHEREAS by an act of Assembly lately passed at *Wilmington*, *William Dry*, Esq. is impowered to make a public road through the great island opposite the borough of *Wilmington*, which said road is now opened; and as it is necessary that two roads should be laid off and made from the ferry on the North-west river, leading from the said new road, one towards *Brunswick*, the other upwards into the main road:

II Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, and by the authority of the same, that

the inferior court of *Brunswick* county shall, within three months after the passing this act, nominate and appoint twelve men to lay out the said roads; and the persons so appointed, or the majority of them, shall, within two months after their appointment, lay out the said roads, from that part of the *North-west* river opposite the road through *Eagle's* island; one road leading towards *Brunswick*, the other towards *Bladen* county, each to intersect the main road the best and nearest way; and if any person appointed to lay out the said roads shall refuse or neglect to perform the same, he shall forfeit and pay the sum of five pounds, proclamation money, to be recovered by any person who shall sue for the same, by action of debt, brought in the name of the chairman of the inferior court of *Brunswick* county; which money, when recovered, shall be paid to the chairman of said court, and by him be applied towards making the said roads.

III. *And be it further enacted, by the authority aforesaid*, That the said inferior court shall, within six months after the passing of this act, appoint an overseer or overseers, as they shall think requisite; And in case the persons liable to work on the said roads in the district where the same is to be made should not be sufficient to make and finish the same, the said court is hereby empowered and directed to order any number of hands, they shall think necessary, out of any other district or districts within their county, to assist in making and finishing the same, under the penalty of one hundred pounds, proclamation money; to be recovered by, and paid to any person suing for the same, one half to his own use, and the other half to be by him applied for and towards making the said roads; and the overseer or overseers appointed by the said court shall, and are hereby vested with the same powers and authorities, and liable to the same penalty, as any overseers of roads are vested with, or liable to: and the overseer or overseers so appointed, shall, within eighteen months after their appointment, make and finish, or cause to be made and finished, the said roads, with all bridges that may be necessary, under the penalty of fifty pounds, proclamation money, each, to be recovered by any person suing for the same; one half to his own use, and the other half to be paid to the chairman of the inferior court of *Brunswick* county, to be by him applied for and towards completing the said roads.

IV. *And be it further enacted, by the authority aforesaid*, that no person whatever residing, or to reside on the said island, shall be licenced to keep any tavern, ordinary, or tippling house thereon, within one mile of the said road, other than at the ferry houses.

V. *And to enable the said William Dry to make a good and sufficient cause-way through the said island, opposite to Wilmington; Be it enacted, by the authority aforesaid*, that the said *William Dry*, his servants or slaves, shall and may, at all times hereafter, make use of any earth, dirt, or sand, necessary in making and repairing the cause-way aforesaid, from off any persons land adjacent thereto, without any let, hinderance, or molestation whatever.

VII GEORGE III. The 3d of November, 1766.

CHAP. XV. *An act to amend an act, intituled, an act for establishing a town on the land formerly granted to William Churton, gentleman, lying on the north side of the Enne river, in the county of Orange.* p. 36.

I. WHEREAS the erecting and establishing a town in the county of *Orange*, has been found serviceable, in promoting inland trade and commerce in the western part of this province; and whereas the act of Assembly passed at *Newbern*, in the year of our Lord one thousand seven hundred and fifty seven, for establishing the same, is found to stand in need of many alterations and amendments:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the four hundred acres of land by said act constituted, erected, and established a town, and town common, by the name of *Childsburg*, shall, from and after the passing of this act, be known and called by the name of *Hillsborough*.

III. *And be it further enacted by the authority aforesaid*, that forever, after the passing of this act, the courts of the county of *Orange*, the election of representatives, and the election of vestrymen, shall be held in the town of *Hillsborough*; and at no other place: any law, usage, or custom, to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid*, that no suit, writ, or other process, that is, or shall be made returnable to the next inferior court of pleas and quarter sessions, to be held for the county of *Orange*, after the passing of this act, shall be abated or vacated; or any bail bond, recognizance, or other instrument of writing, become void or invalidated; but the same shall be good, available, and effectual in law, to every intent and purpose whatsoever, as if the alteration of the name of the said town, and town common, had never been made.

V. *And be it further enacted, by the authority aforesaid*, that so much of the before recited act (except as hereafter excepted) shall be, and is hereby declared to be of the same force, effect, and validity, in relation to the said town and town common, as if the same had originally been called by the name of *Hillsborough*.

VI. *And be it further enacted, by the authority aforesaid*, that it shall and may be lawful for the treasurer of the said town, and his successors in office, for the consideration of twenty shillings, proclamation money, to make an entry of any lot of land therein lying vacant or unimproved (except those lots reserved by the aforesaid act of Assembly to *William Churton*, Esq; and such spring lots as the directors and trustees of the said town, and their successors, shall think fit and convenient to be reserved and left free to the inhabitants of the said town to be supplied with water; and the lot No. 1. in the plan of the said town, which is hereby reserved for the use of the public, as a place for market-house, court-house, prison, pillory and stocks; and also, such lots as shall or may be thought necessary, to be re-

served by the directors of said town, and their successors, for erecting thereon a church and school-house, and for a church-yard;) and the said directors and trustees, or a majority of them, shall, at the expiration of two years from the date of making the entry with the treasurer as aforesaid, make and execute a deed for granting the same, to the person making the entry, his heirs and assigns, for ever, at the cost, and charges of the person to whom the same shall be conveyed; he paying, over and above the entry money, eight-pence, proclamation money, annually, for each and every lot that shall be so conveyed; which shall be applied by the said commissioners, and their successors, to the payment of the quit-rents due, or hereafter to be due to the Earl of *Granville*, his heirs and assigns, and if any surplus be remaining, the same shall be laid out for the benefit and improvement of the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same, in fee simple.

VII. *Provided nevertheless*, that all and every person who heretofore has, or hereafter may make an entry of any lot or lots in the said town, shall, within two years next after the day of entering, and taking up of the same, erect, build, and finish, on each lot so entered, one brick, stone, or framed house, at least twenty feet long, sixteen feet wide; and nine feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions, if such person shall have two lots contiguous; and if the owner or taker up of any lot, shall fail to pursue and comply with the directions in this act prescribed, for building and finishing a house thereon, then the property of such lot, upon which such house shall not be built and finished, shall be and continue in the said directors and trustees; or a majority of them may, and are hereby empowered and authorised, to sell such lot, by public sale, or otherwise, for the best price that can be had; and the purchaser of any such lot or lots complying, in all things, with the directions and regulations before in this act prescribed, with respect to building and finishing of a house or houses on the said lot or lots; otherwise the same may be sold to any other person or persons under the like conditions; and in case of the refusal or neglect of any person who shall or may take up any lot, or purchase any ground in said town, to pay the sum agreed for, the said directors, or their successors, shall and may commence and prosecute a suit in their own names for the same, and recover judgment therein, with costs.

VIII. And whereas by the plan of the said town, thirty three feet square, or two square poles of ground, are taken from the front corner of each corner lot at the crossing or intersection of each main street in the said town; and as it can be of no public use or benefit whatsoever, to have that quantity of ground taken as aforesaid from each corner lot;

IX. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the directors and trustees of the said town, or the majority of them, are hereby authorised, empowered, and required, on or before the fourteenth day of *January* next after the passing this act, to sell, to the highest bidder, not exceeding ten pounds, proclamation money, each and every one of the said pieces of ground of the dimensions of two square poles, which according to the plan of the said town, were taken from the front corner of each corner lot (ten days previous notice being given of such sale) and the said directors and trustees, or a majority of them, are hereby authorised and required, to make and execute one or more deed or deeds, for granting and confirming the same to such purchaser or purchasers, his or their heirs and assigns for ever, at the cost and charges of the grantee or grantees to whom the same shall be conveyed.

X. *Provided always*, that in the sale of the two square poles of ground adjoining the lot number twenty six, the preference shall be and is hereby allowed to Mr. *William Nunn*, in case he will give as much as any other bidder, not exceeding ten pounds, proclamation money; the same privilege is granted to Mr. *James Young*, in the sale of the square adjoining the lot number twenty-five; and also the like privilege is granted to Mr. *Edmund Fanning*, in the sale of the square adjoining the lot number six in the plan of the said town.

XI. *Provided*, that it shall not be lawful for the said directors and trustees of the said town to sell or dispose of the front corner, or any part of the lots reserved to the aforesaid *William Churton*, or to the use of the public, by this or the before recited act, or the corner of any lot hereafter to be taken up in said town; but that the two square poles of ground be deemed part of the said lot to which it joins.

XII. And whereas the allowing of hogs and geese to run at large in the said town, is found to be a great nuisance to the inhabitants; *be it enacted, by the authority aforesaid*, that none of the inhabitants of the said town shall, on any pretence whatsoever, suffer any of their hogs or geese to run or be at large within the bounds of the said town; and any hog or hogs, goose or geese, running at large in the said town, shall be forfeited to any person who shall seize or kill the same.

XIII. *And be it further enacted, by the authority aforesaid*, that from and after the ratification of this act, it shall and may be lawful for the Justices of the county of *Orange*, yearly, to appoint some proper person, inhabitant of the said town, overseer of the same; which overseer so appointed shall, as often as there shall be occasion, summons the male taxables, inhabitants of the said town, to clear and repair the streets thereof, and remove any nuisance or nuisances within the same; and if any such male taxable (except such as are exempted by law from working on public roads) shall fail or refuse to appear on such summons, and work in the said town, at such times and places as the overseer shall direct (two days notice being given before the day appointed for working) such person to neglecting or refusing, or the master or misters of such person shall forfeit and pay the sum of two shillings and eight pence, proclamation money, for every day he shall so neglect or refuse; to be recovered by a warrant from any Justice of the Peace of the said county, and applied to the use of employing persons to work and keep the streets of the said town clear and in good order.

XIV. And be it further enacted, by the authority aforesaid, that the inhabitants of Hillsborough shall be, and are for the future exempted from working on any of the public roads within this province.

XV. And be it further enacted, by the authority aforesaid, that the sheriff of the county of Orange, the clerk of the court of the said county, the register of the said county, and their successors, shall, during their continuance in office, hold and keep their respective offices in the said town of Hillsborough, and that if any of the said officers shall neglect or refuse so to do, each of them to neglecting or refusing shall, for every month he shall so fail, forfeit and pay the sum of twenty shillings, proclamation money, to be recovered before any jurisdiction having cognizance thereof; one half to the informer, and the other half to the directors of the said town, to be applied to the use and benefit of the said town.

XVI. And be it further enacted, by the authority aforesaid, that the directors and trustees for the time being, or a majority of them, shall, and are hereby empowered, to pass any order they may judge proper, for preventing a quarrel, clay, or wooden chimnies, being built, and pulling down such are already built (if thought to be a nuisance) for making the people keep their chimnies clean, and raising them to a proper height, for obliging all persons to clean the streets before their houses, and for all other things for the good and safety of the said town, and the proper regulation of it, consistently with the laws of this province; and to enforce such orders, by laying a fine, not exceeding forty shillings, proclamation money, on all persons neglecting or refusing to comply therewith.

XVII. And be it further enacted, by the authority aforesaid, that the directors and trustees of the said town, or a majority of them, shall, as often as they shall think proper, appoint a town clerk, and shall keep a town book, in which shall be entered the time of taking the entries of lots, and the orders they may make, the account of the monies they have received, or hereafter may receive, the manner of applying such money, and the sums remaining in hand, under the penalty of fifty pounds, proclamation money; to be recovered by any person who shall or may sue for the same, in any court in this province having jurisdiction thereof; one half to the prosecutor, the other half to the use of the said town.

XVIII. And be it further enacted, by the authority aforesaid, that all the monies arising by the sale of any ground, or taking up of any lot in the said town, or any other way, by virtue of this or the before recited act, be appropriated, laid out, and applied to such use or uses as the said directors, or a majority of them, shall think convenient, for the better encouragement of the said town.

XIX. And be it further enacted, by the authority aforesaid, that the sixth and seventh sections, and so much of the second and third sections, of the before recited act, as is repugnant to this act, be, and is hereby repealed, and made null and void.

CHAP. XIX. An act for establishing a school-house in the town of Newbern.

I. WHEREAS a number of well disposed persons, taking into consideration the great necessity of having a proper school or public seminary of learning established, whereby the rising generation may be brought up and instructed in the principles of the christian religion, and fitted for the several offices and purposes of life, have, at a great expence, erected and built, in the town of Newbern, a convenient house for the purposes aforesaid; and being desirous that the same may be established by law on a permanent footing, so as to answer the good purposes by the said persons intended; § II. & III. Obsolete.

IV. And be it further enacted, by the authority aforesaid, that one lot of land in the town of Newbern, lately purchased from William Bastin Whitford, by the proprietors of the aforesaid school house, and whereon they have erected the same, be from henceforth vested in the trustees by this act incorporated, and their successors, for ever, in trust and confidence, to and for the uses and purposes by the said society intended. § V. VI. & VII. Obsolete.

VIII. And be it further enacted, by the authority aforesaid, that an act of assembly passed at Wilmington, in one thousand seven hundred and sixty four, intitled, An act for building a house for a school, and the residence of a schoolmaster, in the town of Newbern, be, and is hereby repealed; and the piece or parcel of ground mentioned in the said act, being half of two lots known in the plan of the said town by the numbers fifty nine and sixty, beginning at the corner of Craven and Pollok streets, and running along Pollok street six and a half poles; then across said two lots fifty nine and sixty, in a parallel line with Craven street, thirteen poles to the north side of lot number sixty; then along the said lot six and a half poles, to Craven street; then along Craven street, thirteen poles, to the beginning; also two lots of land in the said town of Newbern, adjoining the said school house, known in the plan of the said town by the numbers three hundred and thirteen and three hundred and twenty seven, which are hereby vested in the trustees by this act to be appointed, and to their successors, for ever, in trust and confidence, to and for the use of the said school. The rest Obsolete.

CHAP. XXII. An act to amend an act, intitled an act for establishing the titles of the freeholders in Edenton, for laying a tax for finishing the church begun in the said town, and for the further improvement and better regulation thereof. p. 26.

I. WHEREAS since the passing of the above mentioned act, some of the commissioners hereby appointed and nominated have removed themselves, and others are dead; by which means it becomes necessary that others

should be appointed, in order that a succession of them may be continued, to answer the purposes of the afore-mentioned act :

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that from and after the passing of this act, *Joseph Blount, William Lowther, Samuel Johnston, Joseph Hewes, and George Blair,* gentlemen, and every of them, be, and are hereby constituted and appointed commissioners for the town of *Edenton* aforesaid, who shall have, exercise, and enjoy, the same powers, rights and privileges, as the commissioners by the before recited act, did or might have exercised and enjoyed ; and that in case of the death or removal of the treasurer, or any of the commissioners out of the county of *Cowan*, the eldest commissioners shall succeed to the said office of treasurer, and other commissioner or commissioners shall be chosen, in manner as by the said act is directed.

III. *And be it further enacted, by the authority aforesaid,* that every grantee of a lot or lots heretofore granted, shall, within four months after the passing of this act, clear and grub up such lot or lots, under the penalty of ten shillings for each and every lot which by that time shall not be cleared or grubbed up ; and that the grantee of every lot hereafter to be granted shall also, within four months from the date of his deed, also clear and grub up his lot or lots, under the penalties aforesaid ; to be recovered and applied in such manner as penalties by the afore-mentioned act are recoverable and applied.

IV. And whereas the suffering of hogs and geese to run at large in the said town is found to be injurious to the properties of the inhabitants thereof, *be it therefore enacted, by the authority aforesaid,* that none of the inhabitants of the said town, shall, within two months after the passing of this act, suffer any of their hogs or geese to run at large within the bounds of the said town ; and any hog or hogs, goose or geese, running at large, shall be forfeited to the commissioners ; and the same, by an order from one of them, under his hand, directed to the constable, be by him sold to the highest bidder, for the benefit of the said town.

V. And for the prevention of fire in the said town, *be it enacted, by the authority aforesaid,* that every housekeeper shall sweep, or cause to be swept, the chimnies of his dwelling-house, store and kitchen, at least once in every month, between the months of *October* and *April*, under the penalty of twenty shillings for every chimney so unswept within the time aforesaid ; to be recovered by a warrant from under the hand of any one of the commissioners, and applied for the benefit of the said town ; and in case the chimney of any dwelling-house, store, or kitchen, shall catch on fire through neglect in manner before directed, in the said town, the possessor of such house, store, or kitchen, shall pay to the commissioners of the said town the sum of five pounds ; to be recovered and applied in manner as before directed.

VI. And whereas it frequently happens that masters of vessels, not belonging to the province, bring their vessels to the public wharfs already erected in the said town, and there vend and retail their cargoes, and have the benefit of the said wharfs ; *be it therefore enacted, by the authority aforesaid,* that every master of a vessel not belonging to the province, or directly from *Great Britain*, shall, for each and every day he shall lie with his said vessel at any one of the said wharfs, pay to the commissioners of the said town the sum of two shillings per day ; and in failure of payment thereof, the same shall and may be levied upon the body, or goods and chattels, of the delinquent, by a warrant from under the hand of any one commissioner, directed to a constable ; and the money be applied as before directed.

VII. *And be it further enacted, by the authority aforesaid,* that within two months after the passing of this act, any occupier of any lot or lots whereon now is, or shall be built, any habitable house, shall have a ladder, of a proportionable length to the height of his house ; which said ladder shall be constantly kept up against his house, that in case of fire, relief may be immediately afforded, under the penalty of twenty shillings ; to be recovered and applied as aforesaid.

CHAP. XXVIII. *An act to encourage Benjamin Heron, Esq ; to build a bridge over the north-east branch of Cape Fear river, at or near the place where the ferry is now kept by Edward Davis.*

I. **WHEREAS** a bridge over the north-east branch of *Cape Fear* river, at or near the place where the ferry is now kept by *Edward Davis*, would be much for the conveniency of all travellers ; and as the land on both sides the river belongs to *Benjamin Heron, Esq ;* the said *Benjamin Heron* is desirous of building a bridge there at his own expence, on condition that the benefit thereof be vested in him, his heirs and assigns, for ever :

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that it shall and may be lawful for the said *Benjamin Heron*, his heirs, executors, administrators, or assigns, to erect and build a good, strong, and substantial bridge, over the north-east branch of *Cape Fear* river, as near as he conveniently can to the place where the ferry is now kept by *Edward Davis* ; which bridge shall have one wide arch of thirty feet for rafts and pettiaguas to pass through, and six feet high above high water mark, and be made to draw up occasionally, for the navigation of vessels of larger burthen ; and after building and erecting the said bridge as aforesaid, it shall and may be lawful for the said *Benjamin Heron*, his heirs, executors, administrators, or assigns, to keep a sufficient gate thereon, and take and receive from all persons that shall pass over the same at the following rates, that is to say : for every man and horse, six pence ; for every four wheel carriage, drawn by two horses or oxen, two shillings ; and for every two wheel carriage, drawn by one or two horses or oxen, one shilling ; and for every horse or ox more, four pence each ; and for every head of neat cattle, three half pence ; and for every twenty hogs or sheep, eighteen pence, and so in proportion for a greater or lesser number of hogs or sheep ; and for all travellers on foot, four pence each.

III. And be it further enacted, by the authority aforesaid, that after the said bridge is so built and completely erected as aforesaid (provided it shall be compleated within four years after the passing this act) it shall not be lawful for any person whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs, or sheep, over the said river, for fee or reward, within six miles of the same, under the penalty of twenty shillings, proclamation money, for each and every offence; to be recovered by a warrant by the said Benjamin Heron, his heirs, executors, administrators, or assigns, before any magistrate of the county of New Hanover; to be applied to the use of the proprietor of the said bridge, at the time of the offence being committed.

IV. And be it further enacted, by the authority aforesaid, that when the said bridge shall be built and erected as aforesaid, the said Benjamin Heron, his heirs, executors, administrators, or assigns, shall for ever thereafter keep the same in good order, and fit for passing over; and in case of any neglect, shall be subject to the same pains and penalties as other keepers of public bridges and ferries are liable to by the laws of this province.

CHAP. XXIX. An act for confirming a lease made by the Tuscarora Indians to Robert Jones, jun. William Williams, and Thomas Pugh, Esquires.

I. WHEREAS a number of the Tuscarora Indians, being desirous of removing themselves from their lands on Roanoke river, in Bertie county, in this province, and settling and incorporating themselves with the nations of Indians on the river Susquehanna; and whereas the said Tuscarora Indians, in order to defray the expence of removing themselves, and their effects from this province to the settlements on the said river Susquehanna, did, on the twelfth day of July, in the year one thousand seven hundred and sixty six, for the consideration of fifteen hundred pounds, proclamation money, before that time paid and advanced to them the said Tuscarora Indians, by the said Robert Jones, William Williams, and Thomas Pugh, by an indenture under the hands and seals of James Allen, John Wiggins, Billy George, Snip Nose George, Billy Cain, Charles Cornelius, Thomas Blount, John Rogers, George Blount, Wineoak Charles, Billy Basket, Billy Owen, Lewis Tuffdick, Isaac Miller, Harry, Samuel Bridgers, Thomas Seneca, Thomas Howit, Billy Sockey, Billy Cornelius, John Seneca, Thomas Basket, John Cain, Billy Dennis, William Taylor, Owens, John Walker, Billy Mitchell, Billy Netop, Billy Blount, Tom Jack, John Lightwood, Billy Roberts, James Mitchell, Captain Joe, and William Pugh, chieftains and headmen of the said nation of Tuscarora Indians, for and on behalf of themselves and the rest of the Indians of the said Tuscarora nation, on the one part, and the said Robert Jones, William Williams, and Thomas Pugh, of the other part, did demise, grant, and to farm let, a certain dividend of land, situate and lying on Roanoke river, in the county aforesaid, containing about eight thousand acres, be the same more or less, and bounded as follows, to wit, beginning at the mouth of Deep creek, otherwise called Falling run; thence running up the said creek to the Indian head line; thence by the said line, south fifty seven degrees east, one thousand two hundred and eighty poles; thence a course parallel with the general current of the said creek to Roanoke river aforesaid, and up the river to the beginning; together with all trees, timber trees, woods, underwoods, ways, waters, and appurtenances whatsoever to the said dividend, tract or parcel of land, belonging, or in any-wise appertaining: TO HAVE AND TO HOLD the said dividend, tract or parcel of land, with all and singular the appurtenances, unto the said Robert Jones, William Williams, and Thomas Pugh, their executors, administrators, or assigns, without impeachment of waste, to be by the said Robert Jones, William Williams, and Thomas Pugh, respectively, their executors, administrators, or assigns, without impeachment of waste, to be by the said Robert Jones, William Williams, and Thomas Pugh, respectively, their executors, administrators, and assigns, held and enjoyed in severalty; that is to say, one third part of the said dividend, tract or parcel of land, into three equal parts to be divided, unto the said Robert Jones, his executors, administrators, and assigns; one other third part thereof, the same into three equal parts to be divided, unto the said William Williams, his executors, administrators and assigns; and the remaining third part thereof, the same into three equal parts to be divided, unto the said Thomas Pugh, his executors, administrators, and assigns; from the said twelfth day of July, in the year aforesaid, for and during the term of one hundred and fifty years, from thence next ensuing, and fully to be compleated and ended, the said Robert Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, yielding and paying therefore yearly, and every year, during the said term, to the said Tuscarora Indians, and their assigns, one pepper corn, if demanded, at or upon the feast of St. Michael the archangel.

II. And whereas the said nation of Tuscarora Indians are desirous that the indenture of lease made between the said James Allen, John Wiggins, Billy George, Snip Nose George, Billy Cain, Charles Cornelius, Thomas Blount, John Rogers, George Blount, Wineoak Charles, Billy Basket, Billy Owen, Lewis Tuffdick, Isaac Miller, Harry, Samuel Bridgers, Thomas Seneca, Thomas Howit, Billy Sockey, Billy Cornelius, John Seneca, Thomas Basket, John Cain, Billy Dennis, William Taylor, Owens, John Walker, Billy Mitchell, Billy Netop, Billy Blount, Tom Jack, John Lightwood, Billy Roberts, James Mitchell, Captain Joe, and William Pugh, Chieftains and headmen of the said nation of Tuscarora Indians, and the said Robert Jones, William Williams, and Thomas Pugh, should have the force and validity of an act of Assembly; and that it shall be lawful for the said Robert Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy the said dividend, tract or parcel of land, demised as aforesaid, without the let, hindrance, or molestation of any person or persons whatsoever, and without incurring any penalties whatsoever, by reason of their so entering upon, occupying, possessing and enjoying the said tract or parcel of land, and without impeachment of waste.

III. And whereas the said Robert Jones, since the said twelfth day of July, in the year aforesaid, hath departed

this life, having first made his last will and testament, and therein and thereby bequeathed his proportion and share of said tract or parcel of land, demised as aforesaid, unto his sons *Allen Jones* and *Willie Jones*, their executors, administrators, and assigns: and it is hereby enacted, that the said indenture of demise is hereby ratified and confirmed; and that it shall and may be lawful for the said *Allen Jones* and *Willie Jones*, in right of the said *Robert Jones*, the said *William Williams*, and *Thomas Pugh*, their executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy the said dividend, tract or parcel of land, according to the form and effect of the said indenture of demise; that is to say, that it shall and may be lawful for the said *Allen Jones* and *Willie Jones*, their executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy, one third part of the said dividend, tract or parcel of land, the same into three equal parts to be divided, for and during the term aforesaid; the said *William Williams*, his executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy, one third part thereof, the same into three equal parts to be divided, for and during the term aforesaid; and the said *Thomas Pugh*, his executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy, the remaining third part thereof, for and during the term aforesaid.

V. And be it further enacted, by the authority aforesaid, that the said *Allen Jones*, *Willie Jones*, *William Williams*, and *Thomas Pugh*, their executors, administrators, and assigns, are hereby exempted from the penalties of an act of Assembly, passed at Newbern the fifteenth day of October, in the year of our Lord one thousand seven hundred and forty eight, intituled, *an act for ascertaining the bounds of a certain tract of land, formerly laid out by treaty for the use of the Tulcarora Indians, so long as they, or any of them, shall occupy or have the same; and to prevent any person or persons taking up lands, or settling within the said bounds, by pretence of any purchase or purchases made, or that shall be made from the said Indians*: and that it shall and may be lawful for the said *Allen Jones*, and *Willie Jones*, *William Williams*, and *Thomas Pugh*, their executors, administrators, and assigns, to occupy, possess, and enjoy, the said dividend tract or parcel of land, demised as aforesaid, during the term aforesaid, without impeachment of waste, and without the let, molestation, or hinderance, of any person or persons whatsoever.

VI. Provided always, and be it enacted, by the authority aforesaid, that nothing herein contained shall be construed of as to invalidate the title or titles of any person or persons who have obtained any grant or grants for any tracts or parcels of land within the limits or boundaries of the land of the said *Tulcarora Indians*, before the said fifteenth day of October, one thousand seven hundred and forty eight.

VII. Provided also, and it is hereby enacted, by the authority aforesaid, That the said *Allen Jones*, *Willie Jones*, *William Williams*, and *Thomas Pugh*, their executors, administrators, and assigns, shall yearly, and each year, during the term aforesaid, on the twenty first day of March, pay to the right honourable *Earl Granville*, his heirs and assigns, a quarter of four shillings proclamation money, for every hundred acres of land contained within the limits or boundaries of the lands demised as aforesaid: and in case the said quit rents shall be in arrear at any time within the term aforesaid, that then it shall and may be lawful for the said *Earl of Granville*, his heirs and assigns, to sue for and recover all such arrearages of rent, of and from the said *Allen Jones*, *Willie Jones*, *William Williams*, and *Thomas Pugh*, their executors, administrators, and assigns, by all lawful ways and means whatsoever. N. C. L. 2, 1748, 119.

VIII GEORGE III. The 5th of December, 1767.

CHAP. XI. *An act for building a public gaol, and gaoler's house, for the district of Newbern, in the town of Newbern.*

I. WHEREAS the public gaol for the district of Newbern was lately consumed by fire, and it being necessary that a new gaol should be erected in the said district; II. III. IV. & V. *Obsolete.*

VI. And be it further enacted by the authority aforesaid, that after such gaol shall be erected, when any person or persons shall be apprehended for any offence committed within the district aforesaid, it shall and may be lawful for the magistrate or magistrates before whom such offender shall be examined, if he or they think it necessary, to commit such offender to the aforesaid gaol; and the sheriff of the county for the time being, where such offender shall be apprehended, is hereby authorized and required to convey such offender to the said gaol, and deliver him or her to the sheriff or keeper thereof, and take a receipt of such sheriff or keeper, which shall be his discharge for such prisoner.

VII. And be it further enacted, by the authority aforesaid, that after the said gaol, and gaoler's house, shall be built as aforesaid, the sheriff of the county of Craven, for the time being, is hereby directed and required to employ some person of integrity to be keeper of the said gaol; who, during the time any person committed for a capital offence shall be in the said gaol, shall constantly reside in the said gaoler's house, and take all lawful ways and means for preventing the escape of such offender.

CHAP. XVI. *An act for appointing an inspector for the Great Island, opposite Wilmington, in Brunswick county.*

I. WHEREAS great quantities of naval stores, and other merchandizes, which require inspection, are landed on, and shipped from the Great Island opposite Wilmington, known by the name of *Boyle's Island*; and it is very

inconvenient for the Inspector of *Brunswick* county, from the great distance of his residence, to attend the inspection thereof.

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that the inferior court of *Brunswick* county are hereby authorized and required, at the next court to be held for said county after the passing of this act, and in each succeeding year, at the time already appointed by law, to choose a fit and proper person to be an inspector for the said island, called *Eagle's Island*; under the same rules and regulations, and subject to the same penalties, as other inspectors appointed in this province are liable to; who shall have and receive, for all commodities inspected by him, the same fees which other inspectors are by law intitled to for the like services.

III. *And be it further enacted, by the authority aforesaid,* that in case the inspector to be appointed by this act should absent himself from, or not punctually attend the duties of his office, it shall and may be lawful for any person or persons, having commodities to inspect, to apply to the nearest inspector appointed by law, in that or any other county; who is hereby empowered and required to inspect the same; and who shall have for his trouble, the same fees which the inspector to be appointed by this act would in that case be intitled to receive.

CHAP. XX. *An act to amend an act, intituled, an act to encourage persons to settle in the town of Brunswick, on the southwest side of Cape-Fear river. p. 10.*

I. **W**HEREAS the commissioners of the town of *Brunswick*, in the county of *Brunswick*, are mostly dead or removed out of the said town; and those who are still living, and are residents therein, have neglected to appoint others in the room of such commissioners so dead or removed:

II. *Be it enacted, by the Governor, Council, and Assembly, and it is hereby enacted, by the authority of the same,* that from and after the passing of this act, such of the inhabitants of the said town of *Brunswick* as are intitled to vote for a representative to sit and vote in the General Assembly of this province, are hereby authorized, empowered, and required, to meet, annually, at the court-house in the said town, on the first Tuesday of May next, and on the first Tuesday of May in each succeeding year, to choose three commissioners for the said town, to serve for one year; and the said commissioners, or the majority of them, or the survivors of them so chosen, are hereby vested with, and declared to have the same powers and authorities that any commissioners of the said town have heretofore had, used, exercised, or enjoyed, by virtue of an act of Assembly intituled, *an act to encourage persons to settle in the town of Brunswick, on the southwest side of Cape-Fear river*; and further, the commissioners of the said town are hereby authorized and empowered, to lay out alleys, streets, and squares, in and through any part of the said town, which may be for the interest and convenience of the inhabitants thereof.

III. *And be it further enacted, by the authority aforesaid,* that every clause and part of the act, intituled, *an act to encourage persons to settle in the town of Brunswick, on the southwest side of Cape-Fear river*, within the purview of this act, be, and is hereby henceforth repealed and made void.

CHAP. XXI. *An act for erecting in the town of Salisbury, a public gaol, pillory, and stocks, for the district of Salisbury, in this province.*

I. **W**HEREAS the gaol formerly erected for the district of *Salisbury*, is found insufficient to secure the many felons, and other prisoners committed thereto; by which means numbers of loose and disorderly persons are daily committing the most atrocious crimes with impunity: For remedy whereof,

II. III. IV. & V. *Obsolete.*

VI. *And be it further enacted, by the authority aforesaid,* that after such buildings shall be made as aforesaid, when any person or persons within the district of *Salisbury*, shall be apprehended for any criminal offence, that on conviction thereof would incur the loss of life or member, it shall and may be lawful for any Justice of the Peace in any county within the district aforesaid, before whom an examination of such criminal shall be had, if said justice shall think it necessary, to commit such criminal to the aforesaid gaol: And the sheriff of the county wherein such criminal shall be, is hereby directed and ordered to convey such criminal to the said gaol, and deliver him or them to the sheriff or keeper thereof, and take a receipt for such prisoner or prisoners from the said sheriff or keeper; who are hereby directed and required to receive such criminal, and give such receipt; which shall be his discharge for such criminal or criminals.

The rest Obsolete.

CHAP. XXII. *An Act to continue an act, intituled, an act for enlarging the time allowed for saving lots in the town of Hertford, and other purposes; and to establish a ferry from the town of Hertford, on the west side of Perquimons river, to Newby's point, on the east side of the said river. *p. 43.*

I. **W**HEREAS by an act of Assembly passed at *Newbern*, in the third year of the reign of his present majesty, intituled, *an act for enlarging the time allowed for saving lots in the town of Hertford, and other purposes*, among other things, it is provided, that the grantee of every lot in the said town shall, within five years, erect and finish a house of the dimensions specified in act of Assembly passed in the thirty second year of the reign of his Majesty king *George*

the second, intituled, *an act for establishing a town on the land of Jonathan Phelps, of Perquimans county*; which term of five years is now expired, and many of the lots in the said town of *Hertford* not saved agreeable to the before recited act.

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and it is hereby enacted, by the authority of the same*, that every lot in the said town of *Hertford*, on which a house shall be erected and built, of the dimensions mentioned in the said recited act, within the space of three years after the date of the conveyance made for the same, shall be, and are hereby declared to be vested in the grantee thereof, in fee-simple; any thing in either of the aforesaid acts to the contrary notwithstanding.

III. And whereas several directors of the said town are dead or removed, whereby their offices are become vacant; *Be it therefore enacted, by the authority aforesaid*, that from and after the passing of this act, *John Harvey, John Clayton, Seth Sumner, William Skinner, and Francis Nixon*, be, and are hereby appointed directors of the said town; and may use and exercise the same powers and authorities, as the directors appointed by the before recited act could or might have exercised, used or enjoyed, by virtue of the same: and in case of the death, refusal to act, or removal out of the county of — of any of the said directors, the surviving or other directors, or the majority of them, shall, and they are hereby impowered and required, to choose another director or directors, in the room of him or them so dying, refusing to act, or removing out of the county, agreeable to the directions of the said act.

§ IV. V. VI. & VII. *Obsolete.*

VIII. *And be it further enacted, by the authority aforesaid*, that this act shall continue and be in force for and during the term of seven years, from and after the passing thereof, and from thence to the end of the next session of Assembly, and no longer. *p. 33.

CHAP. XXVI. *An act for establishing a town on the land of William Gray, on Cushie river, in Bertie county.*

I. **W**HEREAS it hath been represented to this Assembly that the land of *William Gray*, lying on the south side of *Cushie river*, at a place known by the name of *Gray's landing*, in *Bertie county*, is a pleasant and healthy situation and commodious for trade and commerce; and the said *William Gray*, having acknowledged his free consent to have one hundred acres of the said land laid off for a town, which will greatly promote the trade and navigation of the said river:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the said one hundred acres of land, beginning at a stake by a small branch on the river side, and running thence north forty two degrees west one hundred and sixty eight poles; then north twenty one degrees east forty poles: then north sixty five degrees east one hundred and twenty two poles, to the centre of a hickory, white oak, and maple, on the said river side; and then down the meanders of the said river to the beginning; laid off in lots and streets, with part thereof for a common, according to a plan laid before this Assembly, be, and the same is hereby constituted, erected, and established a town, and shall be called by the name of *Windsor*.

III. *And be it further enacted, by the authority aforesaid*, that from and after the passing of this act, *Cullen Pollock, and John Dawson*, Esquires, *Thomas Ballard, William Williams, and David Stanley*, gentlemen, be, and they and every of them, are hereby constituted directors and trustees, for designing building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee-simple, of and in the said one hundred acres of land, laid off as aforesaid, to and for the uses, intents, and purposes, hereby expressed and declared; except four lots, known and described in the aforesaid plan by their respective numbers eleven, twelve, eighty four, and eighty six, which are hereby reserved, to the only use and behoof of the said *William Gray*, his heirs and assigns, forever: and the said directors, or any three of them, shall have full power and authority to meet as often as they shall think necessary; and to appoint a public quay, at such place on the said river, within the bounds of the said town, for a public landing, as to them shall seem meet.

IV. And whereas subscriptions have already been made for the greatest part of the lots laid off in the said town; *Be it enacted, by the authority aforesaid*, that the said directors, or a majority of them, within six months after the passing of this act, shall appoint a time, and give public notice thereof for meeting the subscribers on the said land, for determining the property of each particular lot, which shall be drawn by ballot, in a fair manner, by the direction, and in the presence of a majority of the said directors at least; and each subscriber shall be intitled to the lot or lots which shall happen to be drawn for him, and correspond with the number contained in the aforesaid plan of the said town: and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns, forever; and also to every other person and persons who shall purchase any other lot or lots in the said town, at the proper costs and charges of the grantee or grantees to whom the same shall be conveyed; and every person claiming any lot or lots in the said town by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.

V. *Provided nevertheless*, That the grantee or grantees of any lot or lots in the said town so conveyed, shall, within three years next after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed or brick house, sixteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee or grantees shall have two or more lots contiguous: and if the owner of any lot in the said town shall fail to pursue or comply with the directions by this act prescribed, for building and finishing a house thereon, then such lot upon which such house shall not be built and finished in manner aforesaid, shall be re-vested

in the said directors; and the said directors or the majority of them, may, and are hereby empowered and authorized, to sell such lot for the best price that may be had, to any other person or persons applying for the same, in such manner, and under such restrictions, as they could or might have done if such lot had not before been sold or granted.

VI. *And be it further enacted, by the authority aforesaid, that the respective subscribers for the said lots shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors the sum of forty five shillings, proclamation money, for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said directors shall and may commence a suit for the same, in their own names, and therein shall recover judgment, with costs.*

VII. *And be it further enacted, that all monies which shall arise by a disposal of the said lots, granted by the said directors and their successors in execution of this act, shall be received by the said directors; and after their reasonable charges and expences are deducted, shall be by them paid to the said William Gray, his executors, administrators, or assigns.*

VIII. *And for continuing the succession of the said directors, until the said town shall be incorporated, Be it further enacted, by the authority aforesaid, that in case of death, refusal to act, or removal out of the country of any of the said directors, the surviving or other directors or the majority of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing, under their respective hands and seals, to nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the country; which new directors, so nominated and appointed, shall, from thenceforth, have the same power and authority, in all things concerning the matters herein contained, as if he had been expressly named and appointed in and by this act.*

IX GEORGE III. The 7th of November, 1768.

CHAP. XI. *An act for establishing a Town in Mecklenburg County.*

I. **WHEREAS** it hath been represented to this Assembly that three hundred and sixty acres of land was granted to John Frohock, Abraham Alexander and Thomas Polk, as commissioners, in trust for the county aforesaid, for erecting a court-house, prison, and stocks, for the use of said county; which said three hundred and sixty acres of land was afterwards by them laid off into a town and common; and that part of the said three hundred and sixty acres of land hath likewise been laid out into lots, of half an acre each, on some of which good habitable houses have been erected; and that by reason of the healthiness of the place aforesaid, and convenient situation thereof for trade, the same might soon become considerable, if it was erected into a town by lawful authority; to which the said John Frohock, Abraham Alexander, and Thomas Polk, commissioners aforesaid, who are now seized in fee of the said three hundred and sixty acres, and those who claim under them, having consented:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said three hundred and sixty acres of land, so laid off by the commissioners or trustees as aforesaid, be and the same is hereby constituted, erected, and established, a town and town common, and shall be called by the name of Charlotte.*

III. *And be it further enacted, by the authority aforesaid, That John Frohock, Abraham Alexander, Thomas Polk, Richard Berry Esquires and George Allen, and every of them, be, and are hereby appointed directors and trustees, for directing the building and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said three hundred and sixty acres of land, to and for the uses, intents and purposes, hereby expressed and declared; and they, or the majority of them, shall have full power and authority to meet, as often as they shall think necessary; and cause an exact plan of one hundred acres of the said land to be made, as near as may be, agreeable to the streets and lots already laid out, and the residue thereof shall be and remain for a common thereto; and that the said directors shall insert a mark or number on each lot; which said plan shall be kept in some convenient place in the said town, for the view of such persons who have, or incline to have a lot or lots in the same.*

IV. *And whereas eighty lots, already laid off in the said town, have been purchased; Be it therefore enacted by the authority aforesaid, that the said directors, or the majority of them, shall make and execute deeds for granting and conveying the said eighty lots to the purchasers, their heirs and assigns, forever; and also to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the grantee to whom the same shall be conveyed, he or they paying to the treasurer herein after appointed, the annual rent of one shilling, for each and every lot; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold the same in fee-simple.*

V. *Provided nevertheless, that every grantee of any lot or lots in the said town so conveyed, or hereafter to be conveyed, shall, within three years next after the date of the conveyance for the same, erect and build on each lot so conveyed, one well framed sawed or hewed log house, twenty feet in length, and sixteen feet wide, high in the clear, with a brick or stone chimney or chimnies, or proportionable to such dimensions, if such grantee shall have two or more lots in said town: and if the owner of any lot shall not pursue and comply with the directions in this act prescribed, for building and finishing a house thereon, then such lot upon which such house shall not be built and finished, shall be re-vested in the said directors; and they, or the majority of them may, and are hereby empowered and au-*

thorized, to sell such lot for the best price that can be had, to any person applying for the same, in such manner, and under such restrictions, as they could or might have done if such lot had not before been sold or granted; and the money arising by such sale to be applied as the directors, or the majority of them, shall think proper, for the use of the town.

VI. *And be it further enacted, by the authority aforesaid, that Thomas Polk be, and is hereby appointed treasurer of the said town; who shall enter into bond, with sufficient security, to the directors of the said town, in the penal sum of five hundred pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office, to such person or persons as by this act he is directed; and on the death, or removal out of the county of the said treasurer, the remaining directors, or the majority of them, by certificate under their hands and seals, shall nominate and appoint one other of the said directors to be treasurer of the said town; and in like manner, from time to time, as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond, with security, in the same manner as the treasurer by this act appointed.*

VII. *And be it further enacted, by the authority aforesaid, that in case of the death, refusal to act, or removal out of the county, of any of the said directors, the surviving or other directors, or the majority of them, shall, and are hereby empowered, from time to time, by instrument of writing, under their respective hands and seals, to nominate some other person, being an inhabitant or freeholder in said town, in the place of him so dying, or refusing to act, or removing out of the said county; which director so nominated and appointed shall from thenceforth, have the like power and authority, in all things in the matters herein contained, as if he had been reelected by name, and appointed by this act.*

CHAP. XII. *An act for establishing a town on the land of Benjamin Wynns, on Chowan river.*

I. **W**HEREAS it hath been represented to this Assembly, that the land of Benjamin Wynns, lying on the southwest side of Chowan river, in Hertford county, where the court-house and other public building, are erected, is a healthy, pleasant situation, well watered, and commodious for commerce; and the said Benjamin Wynns having signified his free consent, by a certificate, under his hand and seal, to have one hundred acres of the said land laid off for a town and fifty acres for town common; which will greatly promote the trade and navigation of the said river:

II. *Be it therefore enacted, by the Governor, Council and Assembly, and by the authority of the same, that the directors or trustees hereafter appointed, or the majority of them, shall, as soon as may be, after the passing of this act, cause the said one hundred acres to be laid off in lots of half acres each, with convenient streets, lanes, and alleys; which lots so laid off, according to the directions of this act, is hereby constituted, erected, and established a town; and shall be called by the name of Winton.*

III. *And be it further enacted, by the authority aforesaid, that from and after the passing of this act, Henry Hill, William Murfee, John Baker, Matthias Brickell, Joseph Dickenson, Henry King, and Benjamin Wynns, be, and they, and every of them are hereby constituted directors and trustees, for the designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee simple, of the said one hundred and fifty acres of land, to and for the uses, intents, and purposes, hereby expressed and declared; and they, or any four of them, shall have full power and authority, to meet, as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid they, and each of them, shall have power to take subscriptions for the said lots, of such persons as are willing to subscribe for them: and when the said directors have taken subscriptions for eighty lots, or upwards, they shall appoint a day, and give public notice to the subscribers, of the day and place appointed for the drawing of the said lots; which shall be done by ballot, in a fair and open manner, by the direction, and in the presence of the majority of the said directors, at least; and such subscriber shall be intitled to the lot and lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town: and the said directors, or the majority of them, shall make and execute deeds for granting and conveying the said one hundred acres of land, in half acres as aforesaid, to the subscribers, their heirs and assigns, for ever; and also, to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.*

IV. *Provided nevertheless, that every grantee of any lot or lots in the said town so conveyed, shall, within three years, next after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed, or brick house, sixteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous: and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed, for building and finishing a house thereon, then such lot or lots upon which such house shall not be built and finished as aforesaid, shall be revested in the said directors; and the said directors, or a majority of them, may, and they are hereby empowered and authorized, to sell such lot or lots for the best price that can be had, to any person applying for the same, and grant and convey such lot or lots to such person or persons, under the like rules, regulations, and restrictions, as the same was, or were formerly granted; and the money arising from such sale, be applied by the said directors, or a majority of them, for the benefit and improvement of the said town.*

V. *And be it further enacted, by the authority aforesaid, that each respective subscriber who shall subscribe for any*

lot or lots in the said town, shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors, or one of them, the sum of fifty shillings, proclamation money, for each lot by him subscribed for: and in case of the refusal or neglect of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit, in their own name, for the same, and therein shall recover judgment, with costs of suit: and the said directors shall, as soon as they receive the said money, pay and satisfy to the said Benjamin Wynns, his heirs or assigns, the sum of forty-five shillings, proclamation money, for each lot, in full satisfaction for the said land; and the other five shillings shall be applied towards defraying the expence of laying off and improving the said town, as a majority of the directors shall think proper.

VI. And for continuing the succession of the directors, until the said town shall be incorporated; *be it further enacted, by the authority aforesaid*, in case of the death, refusal to act, or removal out of the county, of any of the said directors, the surviving directors, or the majority of them, shall assemble, and are hereby impowered, from time to time, by instrument of writing, under their respective hands and seals, to nominate some other person being a freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the county; which new director so nominated and appointed, shall, from thenceforth, have the like power and authority, in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act.

VII. *Provided nevertheless*, that the said Benjamin Wynns shall have, to his own use, the dwelling-house, and other out houses thereon, with such lots as he shall choole adjoining them, not exceeding eight lots, exclusive of the said one hundred acres: and the court of the said county, or their successors, shall not have power to appoint a public or other ferry at the said town, in prejudice to the said Benjamin Wynns; but that the keeping of the said ferry from his own land, on the north side of the said river, to the said town; and from the said town to the north side of the said river, shall be and remain unto the said Benjamin Wynns, his heirs and assigns, until he or they shall refuse to comply with the terms by law prescribed for erecting and keeping public ferries.

XI GEORGE III. The 5th of December, 1770.

CHAP. XIII. *An act to appoint commissioners for finishing the church in Wilmington, in the room and stead of John DuBois and George Wakely, Esquires, deceased.*

I. **W**HEREAS John DuBois and George Wakely, Esquires, two of the commissioners appointed by an act of Assembly, intituled, *an act for finishing the church in Wilmington*, are since deceased;

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the honourable Lewis DeRosset, Esq; and Frederick Gregg, Esq; be, and they are hereby appointed commissioners, for finishing the church in Wilmington, in the room and stead of the said John DuBois and George Wakely, Esquires, deceased; and the commissioners by this act appointed are hereby vested with the same powers and authorities, and shall be subject to the same rules and restrictions, as the commissioners appointed by the act herein before recited were vested with and subject to. *p. 29

CHAP. XIV. *An act to establish a public inspection of Tobacco in the county of Johnston.*

I. **W**HEREAS the establishing a public inspection of tobacco in the county of Johnston will encourage commerce, promote industry, and be advantageous to many planters and others in the said county;

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that the Justices of the said county of Johnston shall, and are hereby impowered and directed, to cause to be built and erected a warehouse, and other conveniences, fit and necessary for the reception, inspection, and safe-keeping of tobacco, at the ferry, on the land of Capt. John Smith, on Neuse river; and the same, when so built and erected, shall, and is hereby declared to be a public ware house, for the reception and inspection of tobacco.

III. *And be it further enacted, by the authority aforesaid*, that the Justices of the said county of Johnston shall, from time to time, appoint inspectors to attend the said inspection, and ascertain their salaries, and order and direct how the said inspectors shall give their attendance at the said warehouse; which said inspectors shall be under the same regulations, rules, and restrictions, and entitled to the same emoluments, as are by law appointed for inspectors of tobacco in this province. *The rest Obsolete.*

CHAP. XVI. *An act for the better settling, regulating, and improving the town of Beaufort in the county of Carteret, and for annexing Occacock island to the said county.*

I. **W**HEREAS the laws hitherto made for regulating the town of Beaufort, have been found inconvenient; for remedy whereof,

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that from and after the passing of this act, William Cole, William Robinson, Joseph Bell, jun. and John Easton, gentlemen, shall be, and are hereby appointed commissioners of the said town; and in case of their, or any of them, dying, removing

or refusing to qualify as such, it shall and may be lawful for the remaining part, or a majority of them, by and with the consent and approbation of the county court, to nominate and appoint another, in the room of such dying or removing, or refusing to qualify : and that the said commissioners, and each of them, shall, before entering upon their said office, take the following oath :

I A. B. do swear that I will execute the office of a commissioner for the town of Beaufort, faithfully, impartially, and truly, without favour, affection, or prejudice ; and that I will, to the utmost of my power, in all things, act for the good of the said town and the well governing of it, to the best of my skill and judgment.

SO HELP ME GOD.

Which said commissioners, after so sworn and qualified, shall proceed to choose one out of the number, to be a treasurer of the said town ; into whose hands all the monies arising by the sale of lots in the said town, or otherwise howsoever, arising or becoming due to the said town shall be paid ; and there kept till disposed of as herein after directed.

III. And be it further enacted, by the authority aforesaid, that the said treasurer, before he enters upon the execution of his office, shall give bond, with two sufficient securities, in the sum of two hundred pounds, proclamation money, to the commissioners of the said town, and their successors, for the faithful discharge of his said office.

IV. And whereas sundry disputes may hereafter arise concerning the titles of lots in the said town of Beaufort, and the bounds thereof ; be it enacted, by the authority aforesaid, that the commissioners hereby appointed, and their successors, are declared to have a good, absolute, and indefeasible estate, in fee, in the two hundred acres of land laid out for the said town of Beaufort, in trust and confidence, and to and for the uses, intents and purposes, as by an act, intituled, *an act for incorporating the sea port of Beaufort, in Carteret precinct, into a township by the name of Beaufort*, or so much of the said act as is now in force ; and the commissioners by this act appointed, are hereby declared to have a good, absolute, and indefeasible estate, in fee, in all such lots within the said town, which have not been disposed of by the former proprietors or commissioners, and built upon or improved agreeable to law, in trust and confidence, and to and for the uses in this act mentioned : and all and every person and persons whatsoever, who have heretofore purchased and paid for any lot or lots in the said town, and have fully complied with the conditions of their deed or grant, and the law for building and improving thereon, or who may hereafter purchase, pay for, and fully comply with, the law for building and improving thereon are hereby declared to be invested with a good, absolute, and indefeasible estate, in fee, to such person or persons, and to his and their heirs and assigns forever.

V. And whereas the settlement of the said town of Beaufort hath been much retarded by persons taking up lots in the said town, and not building thereon as required by law ; be it enacted, by the authority aforesaid, that the commissioners of the said town for the time being, or any of them, are hereby authorised, impowered, directed, and required, to grant, convey, and acknowledge, under the restrictions and limitations herein after mentioned, to any person requiring the same, and to their heirs and assigns for ever, in fee-simple, any lot or lots of land within the said town, not already taken up and built on agreeable to the laws heretofore made for regulating the said town ; or any lot or lots that may hereafter be liable to be taken up for want of building on as is by this act directed, he or they paying thirty shillings, proclamation money, for the purchase ; twenty shillings of which shall be paid to the proprietor of the said land, and ten shillings to the churchwardens of the parish of St. John's, for and towards building a church in the said town.

VI. Provided nevertheless, that where any person or persons shall hereafter take up any lot or lots in the said town, and shall not build thereon, or cause to be built, within two years from the date of their conveyance, a good habitable brick, stone, or framed house, with a brick or stone chimney thereon, not of less dimensions than twenty feet long, fifteen feet in width, and eight feet in height, between the first floor and the joists, in proportion for each and every lot and lots, or make such preparations for so doing, as the commissioners, or a majority of them, shall judge reasonable to secure the same (except where the titles of such lot or lots, before the expiration of the time for building thereon, shall fall to a minor or minors) every such conveyance shall, and is hereby declared null and void, and of no effect, inasmuch as if the same had never been made ; and the same lot or lots shall be free and clear for any other person to take and purchase, in manner and form aforesaid ; and all monies arising by the second or other sale of the said lots shall be, and is hereby appropriated and applied for the building of a church in the said town.

VII. And whereas the plan formerly taken of the said town hath been found inaccurate, irregular, and confined ; be it enacted, by the authority aforesaid, that the plan produced at the time of passing this act, containing the following courses, to wit, beginning at a cedar post in Pollock street, and running along the water, north fifty eight degrees west, agreeable to that part of the plan called the old town, and beginning at the cedar post, and running south fifty eight degrees east agreeable to that part of the plan called the new town, shall be and remain as the proper plan of the said town and lodged in the registers office for the said county of Carteret, where persons at any time may have recourse to the same : and for defraying the expence attending the procuring, taking, and running out the said town, town lands, and plan so as aforesaid, the commissioners shall and may order the treasurer of the said town, out of the monies he shall have in his hands, to pay such sum or sums as they may think reasonable, to the parties who attended taking the same : and the said commissioners are hereby impowered to account with, take and receive, for the use of the said town, all such sum or sums of money that now are in the hands of any former commissioner or commissioners, treasurer, or other person whatsoever, either for the sale of lots, or otherwise, and finally to adjust and settle the same : and that from and after the passing this act, the treasurer for the time being shall, and is hereby required, annually, to account with the inferior court of pleas and quarter sessions for the said county, for all such sums of money as he shall, for the sale of lots have received ; which money shall be applied in the following manner ; that is to

say, twenty shillings foreach and every lot, to the use of the proprietor, his heirs and assigns; ten shillings for and towards building a church in the said town; and the remaining monies accruing by means of this act, after defraying the contingent charges of said town, such as the said commissioners, or the major part of them, shall think reasonable, shall, in like manner, be applied towards building a church, and keeping the same in repair as aforesaid.

VIII. And whereas the allowing of hogs to run at large in the said town, is found to be a great nuisance to the inhabitants thereof; *be it enacted by the authority aforesaid*, that none of the inhabitants of the said town shall, on any pretence whatsoever, suffer any hogs to run at large within the bounds of the said town; and any hog or hogs so running at large as aforesaid, shall be forfeited; one half to the person who shall seize or kill the same, and the other to the churchwardens of St. John's parish, for the use of the said parish.

IX. *And be it further enacted, by the authority aforesaid*, that the commissioners, or a majority of them, shall appoint an overseer every first Tuesday in January, annually, for the said town; which overseer shall summons all male taxables, inhabitants thereof, to clear, repair, and keep in order, the streets, lanes, and passages belonging to the said town; and any person refusing or neglecting to work on such summons, or to furnish a good and sufficient hand or hands in his or their place, with proper tools to work with, shall forfeit and pay two shillings and eight-pence, proclamation money, per day, for every day he or they shall so refuse or neglect; to be recovered in the same manner as the fines and forfeitures are to be recovered by overseers of the roads; and the monies so recovered, shall be applied towards hiring labourers to clear and repair the streets, lanes and passages, or any other public work to be done in the said town; and every overseer appointed as aforesaid, refusing or neglecting to serve as overseer of the said town, shall forfeit and pay, for every day he so refuses or neglects, ten shillings, proclamation money, to be recovered and applied as above.

X. *And be it further enacted, by the authority aforesaid*, that any person exempted by law from working on public roads, shall not be themselves compelled to work on the streets, lanes, or passages, in the said town; and that the inhabitants of the said town shall be exempted, and for ever hereafter excused from working on county public roads, during the time they shall live in the said town, and no longer.

XI. *And be it further enacted, by the authority aforesaid*, that if any tavern keeper, ordinary keeper, or retailer of liquors, or keepers of public houses in the said town, shall suffer any person or persons whatsoever, to sit tippling or drinking in his, her, or their house, in the time of divine service, on the sabbath day; or shall suffer any person or persons to get drunk in his, her, or their house, such person or persons so offending, shall forfeit and pay twenty shillings, proclamation money, for every such offence; to be recovered by a warrant, under the hand and seal of any Justice of the Peace for the said county of Carteret, and be paid into the hands of the treasurer of the said town.

XII. *And be it further enacted, by the authority aforesaid*, that wherever any person or persons shall be found quarrelling or fighting within the said town or township of Beaufort, in view of any of his Majesty's Justices of the Peace, or shall be convicted thereof, by the oath of one credible witness, shall forfeit and pay, for every such offence, the sum of twenty shillings, proclamation money; and in default of such payment, shall suffer twenty four hours imprisonment, in the common gaol, or be put into stocks for the space of two hours, or longer, as the direction of the Justice shall seem meet; provided the information be made within twenty-four hours after such offence shall be committed.

XIII. And for the better regulating the town of Beaufort, *Be it enacted, by the authority aforesaid*, that the said commissioners, or a majority of them, shall have full power, and lawful authority, to pass such necessary rules and orders, as to them shall seem meet, for removing all nuisances within the bounds of the said town; for persons to remove dirt and rubbish from before their doors; to grub and clear their lots; for pulling down all wooden chimnies already built in said town, and prevent the building thereof for the future, in order to prevent danger by fire, provided that six months notice be given to the owners of such chimnies as are already built, to pull down the same; and for all other things as may tend to the advantage of the said town, so as the same be not repugnant, but as near as may be agreeable, to the laws of England and this province.

XIV. *And be it further enacted, by the authority aforesaid*, that all fines and forfeitures in this act mentioned, the recovery of which is not otherwise directed, shall be by a warrant, under the hands and seals of the commissioners, or a majority of them, directed to any sworn officer of the county of Carteret, to convene such delinquent or delinquents before them, at a certain day mentioned in the said warrant; and, on conviction, to give judgment, and award execution for such officer to levy the said fine or forfeiture, by distress and sale of the offender's goods and chattels; which said fines and forfeitures such officer shall pay into the hands of the treasurer of the said town, as part of the common stock, and be applied as in this act before directed.

XV. And for the further encouragement of the said town of Beaufort, *Be it enacted, by the authority aforesaid*, that the register, clerk, and sheriff, of the said county of Carteret, shall, and are hereby directed and required, to keep their respective offices in the said town; on penalty of ten shillings, proclamation money, for every week they shall neglect the same; to be recovered before any justice of the said county of Carteret, by any person who shall sue for the same; and all elections, general musters, and other public business of the like nature, belonging or appertaining to the county of Carteret, shall be held and done in the said town, and at no other place whatsoever.

XVI. *Provided always*, that nothing herein contained shall be construed, deemed, or taken, to subject the clerk, sheriff, or register, to the penalties before inflicted, in case it shall be adjudged necessary for the records of the respective offices to be removed, by order of the inferior court of Carteret.

XVII. And that due regard may be paid to the orders that may be made or given by the commissioners of the said town of *Beaufort*, Be it enacted, by the authority aforesaid, that the commissioners of the said town for the time being, or a majority of them, shall have full power and authority to lay such fine on any person or persons that shall refuse or neglect to obey any of the rules and orders that shall be passed by the said commissioners, or a majority of them, for the better regulating the said town, as they shall think fit, not exceeding ten shillings, proclamation money; and on refusal or neglect to pay the same immediately, to issue their warrant, to any sworn officer, to levy the same, by distress and sale of the offender's goods and chattels; the like proceedings being first had, as before directed for the commissioners to observe in the recovery of fines imposed by this act.

XVIII. See N. C. L. p. 248.

XIX. And be it further enacted, by the authority aforesaid, that all and every other act and acts, clause and clauses, article and articles thereof, heretofore made, or so much thereof as relates to any matter or thing within the purview of this act, are hereby repealed and made void, and of no effect.

CHAP. XVII. *An act for the regulation of the town of Salisbury, securing the inhabitants in their possessions, and to encourage the settlement of the said town.*

I. **W**HEREAS the erecting and establishing the town of *Salisbury* hath been found highly beneficial and convenient to the inhabitants of the Western parts of this province, and the same being a healthy pleasant situation, well watered, and convenient for inland trade;

II. Be it enacted by Governor, Council, and Assembly, and by the authority of the same, that the town aforesaid called *Salisbury*, and the common belonging to the said town, lying on each side of the western great road, leading through the frontiers of this province, shall be bounded and circumscribed as by a plan annexed to a deed of conveyance granted by the agents of the right honourable *John Earl Granville*, to *William Churton* and *Richard Viggers*, and by them conveyed to *James Carter* and *Hugh Foster*, as trustees, for the use of the justices for the county of *Rowan*, and other purposes in the said deed expressed, containing six hundred and thirty five acres of land, duly recorded and registered in the county of *Rowan* aforesaid; which plan shall be, for ever hereafter, the true and exact plan and boundaries of the said town.

III. And be it further enacted, by the authority aforesaid, that after the passing of this act, the superior court of justice, to be held for the district of *Salisbury*, and county courts, the election of representatives to be sent to the General Assembly for the borough of *Salisbury*, and county of *Rowan*, the election of vestrymen for the parish of *St. Luke*, and all other public elections for the said borough or county, shall be made and held in the town of *Salisbury*, and at no other place; any law, usage or custom to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that the sheriff of the county of *Rowan*, the clerk of the court for the said county, and the register of the said county for the time being shall hold and keep their respective offices in the said town of *Salisbury*.

V. And be it further enacted, by the authority aforesaid, That *Mr. William Steek*, *Mr. John Dunn*, *Mr. Maxwell Chambers*, *Mr. John Lewis Beard*, *Mr. Thomas Frohock*, *Mr. William Temple Coles*, *Mr. Mathew Erov*, *Mr. Peter Kep*, *Mr. James Ker*, *Mr. Alexander Martin*, and *Mr. Daniel Little*, be, and are hereby appointed commissioners of the said town; and they or a majority of them, shall have the same power and authority, as the commissioners to be chosen by this act shall or may have, and be subject to the same penalties.

VI. And be it further enacted, by the authority aforesaid, that the commissioners, or the majority of them, are hereby directed to issue their warrant, at such times as to them shall seem meet, to the overseers of the roads and streets within the said town, and the town common, to warn all the male taxables within the borough of *Salisbury* aforesaid, and the liberties granted the said borough by charter, to clear, repair, and pave the streets; and any person neglecting or refusing to work as directed in the said warrant, or to furnish a good and sufficient hand in his or their place with proper tools, shall forfeit and pay two shillings and eight pence, proclamation money, per day, for every day he shall so refuse or neglect; and if any person so appointed overseer, shall refuse or neglect to serve as such, he or they shall forfeit and pay forty shillings proclamation money, per day, for every day he shall so refuse or neglect; to be recovered by warrant from under the hands and seals of the commissioners, or a majority of them, wherein shall be no appeal granted; and the monies so recovered, shall be applied toward clearing and repairing the streets, or any other public work in the said town.

VII. And be it further enacted, by the authority aforesaid, that the commissioners, or the majority of them shall determine all complaints of nuisances lying upon the streets, dangers of fire arising from wooden chimnies, or any such hazardous buildings, and pass orders for the removal of such nuisances, and other matters that shall or may incommode, hinder or interrupt, a free passage thro' any of the streets of the said town, either for carriages, horse or footmen; and that no person shall lay down, or place any filth, straw or rubbish, in any of the said streets, except scantling, or stone, brick, or materials for building, which shall or may be intended immediately for use; and in such case, such materials to be placed as near as reasonably may be to the foundation of such intended building; on penalty of forfeiting ten shillings proclamation money, for each and every offence; to be recovered and applied in manner aforesaid.

VIII. And be it further enacted, by the authority aforesaid, that the owner or owners, or possessor of any lot or lots or part of a lot within the original plan of the said town, and adjoining the two main streets called *Corbin* street, and

Innis street, and the two other streets running parallel with the aforesaid two main streets, shall grub, clear, open, and inclose with rails or posts, and rail fence such their respective lots, at their own costs and charges, within twelve months after the passing of this act, and shall keep the same clean and open, on penalty of ten shillings proclamation money, for each and every offence. And that no person shall build or erect any piazza, porch, or balcony, fronting or adjoining the streets of the said town, exceeding six feet in width, from the house to which such piazza, porch, or balcony adjoins; on penalty of five pounds proclamation money, for each and every offence; to be recovered by action of debt, in the inferior court of pleas and quarter sessions, to be held for the said county, by any person who shall sue for the same. Provided such prosecution be commenced within two years after the committing such offence; to be applied as aforesaid.

IX. And be it further enacted, by the authority aforesaid, that no inhabitants of the said town shall, on any pretence whatsoever, keep any hog or hogs, shoat or pigs, running at large within the bounds of the said town, on penalty of forfeiting such hog or hogs, shoat or pig, and paying the sum of twenty shillings, proclamation money, to the party aggrieved; and further, that it shall and may be lawful for any person whatever, after the tenth day of March next, to shoot, kill, or otherwise destroy such hog or hogs, shoat or pig, running at large within the said town.

X. And to prevent dangers arising by fire, be it enacted, by the authority aforesaid, that each and every householder within the said town of Salisbury, shall procure, or cause to be procured, two sufficient leather buckets, and a ladder, and keep the same in continual readiness against any alarm that may be given, occasioned by the breaking out of fire at any time in the said town; on penalty of paying twenty shillings proclamation money.

XI. And whereas the too frequent custom of immoderate riding of horses, and driving of empty waggons and carts in and through the said town is found to have a very dangerous tendency: to prevent which, be it enacted, by the authority aforesaid, that no person or persons, from and after the passing of this act, on any pretence whatever shall immoderately ride or strain any horse or mare, or drive any empty waggon or cart in or through the said town on any of the streets thereof; on penalty of forfeiting and paying the sum of five shillings proclamation money, for each and every offence; to be recovered by warrant, from under the hand and seal of any Justice of the Peace of the said county.

XII. And for the better and more effectual securing the titles of the several lots in the said town in the possessors thereof; be it enacted, by the authority aforesaid, that all titles heretofore made to any lot or lots, or to any part of a lot (except one lot in the said town, heretofore received, and known by the name of the burying ground,) by James Carter and Hugh Foster, trustees aforesaid, to any person or persons, the same being duly registered; and all titles made by the said Hugh Foster since the death of the said James Carter, and registered as aforesaid, shall and is hereby declared to be good and valid in law, to any such purchaser or purchasers, their heirs and assigns: any law, usage, or custom to the contrary, notwithstanding.

XIII. And whereas the titles to several lots lying and being in the town of Salisbury, have, by reason of the deeds not being duly registered, and other circumstances, been brought into dispute; be it therefore enacted, by the authority aforesaid, that all deeds of lots of land, lying and being in the said town of Salisbury, which shall be registered within two years from the passing of this act, shall be good and sufficient in law for so much as they were intended to convey; and shall have every effect that they could have had if they had been registered within the time by any act of Assembly directed for the saving of the said lots to the proprietors.

XIV. And be it enacted, by the authority aforesaid, that no possession, except under deeds from the commissioners of the said town, shall operate to give a title to any persons who have occupied or improved, or who now occupy and improve such lots, against any persons who have, bona fide, received and taken deeds from the commissioners of the said town for the same.

XV. And be it further enacted, by the authority aforesaid, that the aforesaid lot, reserved and known by the name of the burying ground, be for ever hereafter reserved for that use only; and the title thereof vested in the commissioners of the said town, for the time being, for the uses and purposes aforesaid.

XVI. And be it further enacted, by the authority aforesaid, that each and every possessor of any lot or lots, or part of a lot, within the original plan or map of the said town, and adjoining either side of the two streets called Corbin and Innis street, who shall not, within the term of three years after the passing of this act, erect and build, or cause to be erected and built, a house of the dimensions of twenty-four feet by sixteen in the clear, of brick, stone, frame, or hewed logs, with either a good brick or stone chimney, shall forfeit the said lot or lots, or part of a lot; and that every possessor of any lot or lots adjoining the two streets, running parallel with the said streets called Corbin and Innis street, and within the said plan, who shall fail to build and erect a house of the dimensions aforesaid, with such chimney, within the space of four years, shall likewise forfeit such lot or lots; and the commissioners aforesaid shall, and are hereby empowered and authorised, to enter upon and seize such forfeited lot or lots, or part of such lot, and to sell the same to any other person who shall purchase the same: and the said commissioners, or the majority of them are hereby vested with full power and authority to convey the same to some purchaser; which sale shall be good and valid in law to such purchaser, his heirs and assigns, for ever. Provided always, that nothing herein contained shall be construed, deemed, or taken, to affect or invalidate the claim or title of any infant or feme covert.

XVII. And be it further enacted, by the authority aforesaid, that in case of the death or removal of any of the commissioners heretofore in this act mentioned, that then it shall and may be lawful for the Justices of the inferior court

of Rowan county, to appoint one or more commissioner or commissioners, in the room of him or them so deceased or removed; which commissioner or commissioners, so appointed as aforesaid, shall, and is hereby declared to have as full power and authority, as the commissioners appointed by this act.

XVIII. *And be it further enacted, by the authority aforesaid, that the said commissioners appointed by this act, or to be hereafter appointed, before they enter in and upon the execution of their office, shall take the following oath, to wit,*

I A. B. do swear, that I will execute the office of a commissioner for the town of Salisbury, faithfully and truly, without favour or prejudice, and in all things act for the good of the said town, and the well governing thereof, to the best of my skill and judgment, according to law.

SO HELP ME GOD.

XIX. *And be it further enacted, by the authority aforesaid, that the several inhabitants of the said town, their servants and slaves, travellers and others, shall have free access to all springs, and natural fountains of water within the said town, and town common, without the hinderance, let, or interruption of the owner or owners of such lot or lots or common, whereon such springs or natural fountains of water are situate; and that the said springs and fountains of water be, and are hereby declared to be free to all persons, to supply themselves with water therefrom, to supply their several uses; and that it shall and may be lawful for the inhabitants of the said town, their servants or slaves as aforesaid, to cut, sell, and appropriate, to his or their own use, for firewood or timber, for building in the said town, any tree or trees now standing or being on the said town common, without the hinderance of any person, whatever.*

XX. *And be it further enacted, by the authority aforesaid, that the said commissioners or the majority of them, or their successors, are hereby impowered, to lay out, and appoint a proper place in the said town, for erecting and building a market-house, or other public buildings in the said town.*

XXI. *And be it further enacted, by the authority aforesaid, that all fines and forfeitures that shall hereafter be recovered in virtue of this act, the method whereof is not herein before expressed, shall be, by warrant from under the hands and seals of the said commissioners or the majority of them, and applied as in this act directed.*

CHAP. XXI. *An act to prevent the unreasonable destruction of fish in the rivers Roanoke and Dann, and other water courses therein mentioned.*

I. **W**HEREAS many avaricious persons, by fishing with several seines at the same fishing place and by keeping nets extended across the rivers Roanoke, Dann, the Fackin river, the south fork of the Fackin river, the Catawba, the south fork of the Catawba, as high as Henry Whitener's, Rocky river, as high as Moses Alexander's mill, Broad river, as far up as captain Bankston's place, and County Line creek, as far as George Boyd's place, prevent the fish from passing up the said rivers, so that the inhabitants living on the upper parts of the said rivers are deprived from the benefit of catching fish therein:

II. *Be it therefore enacted by the Governor, Council, and Assembly, and by the authority of the same, that it shall not be lawful for any person or persons whatsoever, from and after the passing of this act, to drape or fish with more than one sein at any one fishing place, or within one eighth of a mile of each other, on the said rivers, at any time, during the season for fishing; or to keep a net or sein extended or fixed across any of them; or to make any hedges, stops, or dams, on the same, to hinder or prevent the fish from passing up the said rivers; and if any person or persons shall offend herein, he or they shall, for every such offence, forfeit and pay the sum of ten pounds, proclamation money; to be recovered by action of debt, by the informer, in any court of record having jurisdiction thereof.*

CHAP. XXIII. *An act for vesting the school-house in Edenton in trustees.*

I. **W**HEREAS the inhabitants of the town of Edenton, for the promoting the education of youth, and encouragement of learning, have by voluntary subscription purchased two lots, and erected a convenient school-house thereon, in an agreeable and healthy situation in the said town: therefore, for the rendering more useful and effectual to laudable an undertaking;

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said house, with the said two lots of land, be, and are hereby vested in Joseph Blount, Joseph Hewes, Robert Hardy, Thomas Jones, George Blair, Richard Brownrigg, and Samuel Johnston, Esqrs. and their successors, for ever, as trustees for the several purposes herein after mentioned; and on the death or removal out of Chowan county of any of the said trustees, it shall and may be lawful for the majority of the remaining trustees, to elect and choose another trustee or trustees, in the room and stead of him or them so dying or removing.*

III. *And be it further enacted, by the authority aforesaid, that the said trustees, or a majority of them, are hereby impowered to receive and take all such voluntary subscriptions or donations as any person or persons may think proper to bestow, for enlarging, improving, and endowing the said school; and also to agree with, and employ one or more person or persons, of approved morals, and well instructed in the languages, to preside in, and keep the said school; and on the misbehaviour of the said school master or school-masters, to remove him or them, and to appoint another or others in his or their stead; and, from time to time, to make and ordain such other rules, orders, and regulations, for the well ordering and good government of the said school, as to them shall seem meet and convenient; provided*

the said rules correspond, and be, as near as may be, agreeable to the laws of *Great Britain* and this province.

IV. *Provided always*, That no person shall be admitted to be master of the said school, but who is of the established church of *England*; and who, at the recommendation of the trustees, or a majority of them, be duly licenced by the Governor, or commander in chief for the time being.

CHAP. XXII. *An act for obtaining a true and distinct list of the taxable persons in the town of Newbern, and to empower the sheriff to collect the town taxes due from the inhabitants of the said town.*

I. **WHEREAS** there is not any provision made in the laws now in force for obtaining a true and distinct list of taxables in the said town, which has rendered the collecting of the town taxes very difficult and uncertain: for remedy whereof,

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that at the first meeting of the commissioners of the said town after the passing of this act, and thereafter, at the first meeting after their election, annually, they shall, and are hereby empowered and required, to appoint one of the said commissioners to take a list of all the male taxables residing in the said town; and the commissioner so appointed is hereby empowered to administer an oath, to the truth of all such lists: and the said commissioners shall immediately give notice, by advertisements, or otherwise, to the inhabitants of the said town, to appear before such commissioner so appointed, and give in a list of all the male taxables in their respective families, within twenty days after such notice; and on neglect or refusal, the person or persons so neglecting or refusing, shall be subject to the same penalties as for neglecting to enlist their taxables with a magistrate for the county, which shall be recovered in the same manner, and to the like uses, as the afore-said penalties: and the said commissioners shall cause a fair copy of the lists by him taken as aforesaid, to be delivered immediately to the sheriff of the county of *Craven*; who shall, within one month after, proceed to collect the taxes laid on the said inhabitants by the commissioners of the said town; and shall account for, and pay the same to the said commissioners, on or before the tenth day of *June*, yearly; under the same rules, restrictions, and penalties, and intitled to the same emoluments, and subject to the same method of recovery, as for non-payment of public taxes.

III. *And whereas* the taxes laid by the commissioners of the said town on the inhabitants thereof, for several years past, remain uncollected; and the late and present sheriffs are in doubt whether they are, by the laws now in force, enabled to distrain for the same: *Be it enacted, by authority aforesaid*, that the present and late sheriffs of the county of *Craven*, are hereby declared to have the same power to make distress on all persons who are in arrear for taxes to the said town as they are intitled to in collecting other taxes.

IV. *Provided nevertheless*, That such sheriffs shall not take and receive any fees for distress for such arrears of taxes unless the person or persons so in arrear shall neglect to pay the same within three months after passing of this act.

V. *And be it further enacted, by the authority aforesaid*, That no person in the said town shall hereafter be subject to the payment of the town tax, until he hath resided three months in the said town.

XII GEORGE III. The 19th of November, 1771.

CHAP. III. *An act to empower the churchwardens and vestrymen of the parish of St. Gabriel's in the county of Duplin, to sell the Glebe in the said parish and county.*

I. **WHEREAS** the situation of the Glebe in the parish and county aforesaid is found to be inconvenient, and the same much out of repair.

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that it shall and may be lawful for the churchwardens and vestrymen of the said parish, or the majority of them, or their successors, to sell and dispose of the said Glebe, and the money arising from such sale to be appropriated towards purchasing a Glebe, situate in a more convenient part of the said parish; which Glebe so purchased, shall be vested in the said churchwardens and vestrymen, and their successors, in the same manner, and to the same uses and purposes, as other Glebes are by the laws of this province invested in the churchwardens and vestrymen of their respective parishes.

CHAP. XVII. *An act, for amending an act, intituled, an act, for the better regulation of the town of Newbern, and for securing the titles of persons who hold lots in the said town.* p. 20.

I. **WHEREAS** the Freeholders of the town of *Newbern* did neglect to meet at the court-house in the said town on the second Tuesday in *November* last, and elect commissioners, according to the directions of the said act:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that it shall and may be lawful for the freeholders of the said town, to meet on the fourth Tuesday in *January* next, at the court-house, and elect five freeholders to be commissioners, until the usual time of electing commissioners for the said town; which election shall be held by the sheriff of *Craven* county, in the same manner as such elections have been heretofore held: and the commissioners so elected, before they enter upon the execution of their office, shall take the oath by the above recited act directed, and thereafter shall be vested with, and are hereby declared to have

the same powers and authorities, to all intents and purposes, as if such commissioners had been elected on the second Tuesday in November last; any law to the contrary notwithstanding.

III. *And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, and they are hereby directed, impowered and required, to lay out a street from the north side of Pollack street, at right angles with the east and west corners of the north front of the Palace, to the bounds of the town; which said street to laid out, shall be called and known by the name of George street; and that the street called Eden street, from Pollack street northward, be thenceforth discontinued; and the lots next adjoining the said George street, on the west side thereof, shall extend westward across where the said street called Eden street, now runs; and that those lots adjoining on the east side of the said George street, be made as nearly equal in quantity of ground as may be, strict regard being had by the said commissioners to the improvements already made by the owners of such lots, so as the same shall be included within the bounds and limits of the said lots by them to be laid out, and the marks and numbers to correspond with the present numbers of the lots in the square through which the said George street shall be laid out; and that thereafter the owners of the respective lots as now laid down in the plan of the said town, shall be intitled to the lot to be laid out of the same number, and shall hold and enjoy the same estates therein, as he or she would or could have held and enjoyed, in their respective lots of those numbers, if this act had never been made; any thing in any former law, to the contrary notwithstanding.*

IV. *And be it further enacted, by the authority aforesaid, that the said commissioners after having so laid out the said George street, and set up marks at the corners of the several squares in the said town, shall make, or cause to be made, a fair and accurate plan of the said town, with proper descriptions; which plan shall for ever thereafter be deemed the true plan of the said town, and be lodged in the Secretary's office, and one fair copy thereof be lodged with the clerk of the said town, by him to be safely kept, that all persons may have free access thereto, on the payment of one shilling; and if the said clerk shall refuse or neglect to shew the said plan to such persons as shall require the same, and pay the fee aforesaid, he shall, for every such refusal or neglect, forfeit and pay the sum of twenty shillings, to be recovered by the party requiring the same, by a warrant before any Justice of the Peace, with costs.*

V. *And be it further enacted, by the authority aforesaid, that so much of each and every act, and clause of an act of Assembly, heretofore made, as comes within the purview of this act, is and are hereby repealed and made void.*

CHAP. XVIII. *An act for laying out a town on the lands of Richard Evans, in Pitt county, by the name of Martinborough.*

I. **W**HEREAS the land of Richard Evans, on the south side of Tar river, in Pitt county, hath been represented to this assembly as a convenient place for trade, and the inhabitants of the said county being desirous that a town should be established thereon:

II. *Be it enacted by the Governor, Council, and Assembly, and by the authority of the same, That so soon as the said Richard Evans shall signify his consent in open court of the said county of Pitt, to have one hundred acres of land laid out for a town, as hereinafter is directed, it shall and may be lawful for Wyriat Ormond, Richard Evans, Charles Forbes, Henry Ellis, and George Evans, Gentlemen, or the majority of them, who are hereby nominated and appointed commissioners, with full power and authority to lay out the said one hundred acres of land on the south side of Tar river for a town, by the name of Martinborough; and they or a majority of them, are hereby directed and impowered to lay out the same, at and adjoining the said river, into lots of half an acre each, with convenient streets, and a place for a church and market.*

III. *And be it further enacted, by the authority aforesaid, that when the commissioners, or the majority of them, shall have laid out the said town in manner as aforesaid, they and each of them shall have power to take subscription for the said lots, of such persons as are willing to subscribe for them; and when the said commissioners have taken subscriptions for one hundred lots, or upwards, they shall appoint a day, and give public notice to the subscribers of the day appointed, for drawing of the said lots, which shall be done by ballot, in a fair and open manner, in the presence of the commissioners, or a majority of them; and such subscriber shall be intitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the commissioners, or the majority of them are hereby impowered and directed to grant, convey, and acknowledge by deed the said lots to the persons who shall be intitled to the same, and his heirs and assigns for ever, in fee simple, upon the payment of fifty shillings proclamation money.*

IV. *And for continuing the succession of the commissioners, Be it enacted, by the authority aforesaid, that in case any of the commissioners herein named shall die, remove out of the province or shall refuse to act the remainder of the commissioners in this act appointed, shall and may elect and appoint other commissioners, to serve and act in their stead.*

V. *And be it further enacted, by the authority aforesaid, that Charles Forbes be, and is hereby appointed Treasurer and receiver, of all such sum and sums of money which shall arise by the sale of the said lot, for the use of the said Richard Evans, his heirs and assigns; and on the death or departure of the said treasurer, out of the government, the said commissioners, or the majority of them, or their survivors, shall appoint some other person, in the room of the said treasurer.*

VI. *And be it further enacted, by the authority aforesaid, that the treasurer, herein appointed by the commissioners as aforesaid, shall account for and pay unto the said Richard Evans, his heirs or assigns, all such monies as shall be*

by him received, on the sale of all and every lot and lots that shall be sold in each year, on the twenty fourth day of June yearly.

XIII GEORGE III. The 25th of January, 1773.

CHAP. II. An act for regulating the town of Hertford, and other purposes.

I. WHEREAS from many unavoidable hindrances, it hath been impracticable for the proprietors of lots in the town of Hertford to complete the buildings on the lots in the said town;

II. Be it enacted by the Governor, Council, and Assembly, and by the authority of the same, That every lot in the said town, on which a house shall be erected and built, of the dimensions mentioned in an act of Assembly, intituled, *An act for establishing a town on the lands of Jonathan Phelps, in Perquimons county*; or in another act of Assembly, intituled, *An act for enlarging the time allowed for saving lots in the town of Hertford, and other purposes*; or in one or other act of Assembly, intituled, *An act to continue an act, intituled, an act for enlarging the time allowed for saving lots in the town of Hertford, and other purposes, and to establish a ferry from the town of Hertford, on the west side of Perquimons river, to Newby's point on the east side of the said river, within the space of five years next after the passing of this act*; and also every lot therein which shall be hereafter sold or conveyed, on which such house shall be erected, within the space of five years after the date of the conveyance executed for the same, shall and is hereby declared to be void in the grantee thereof, and his heirs and assigns, in fee simple; any thing contained to the contrary in any of the said recited acts, notwithstanding.

III. And be it further enacted, by the authority aforesaid, that when any lot in the said town shall hereafter lapse by reason of its not being built on, the directors and trustees of the said town, or the majority of them, shall and may, and they are hereby directed and required, to sell such lot at public vendue, for the best price that can be got, and to give the purchaser a deed of bargain and sale for the lot by him so purchased.

IV. And whereas there are several lots in the said town which have never been drawn in manner directed; by law be it further enacted, by the authority aforesaid, that the directors hereafter appointed, and each and either of them, are empowered and required to take subscriptions for the said lots, or so many of them as shall be subscribed for, within six months after the passing of this act; and when the directors have taken such subscriptions, shall appoint a day, and give public notice to the subscribers of the day appointed, for drawing the said lots, which shall be done by ballot, in a fair and open manner, by the direction, and in the presence of the majority of the said directors; and such subscriber shall be intitled to the lot and lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the directors, or a majority of them, shall execute and deliver deeds for granting and conveying the said lots to the subscribers, their heirs and assigns, for ever, and also to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee, to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance shall and may hold and enjoy the same in fee simple; and if any lot or lots should not be subscribed for, and drawn in manner by this act directed, the same shall be sold at public vendue, by direction of the directors, or a majority of them, and deeds shall be made for such lots to the best bidders respectively, in the same manner as for such lots as may be drawn as before directed.

V. And be it further enacted, by the authority aforesaid, that each respective subscriber, or purchaser of such lot or lots in the said town, shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors forty five shillings, proclamation money, for each lot; forty shillings of which sum shall be paid over to the heir at law of the said Jonathan Phelps, deceased, in full satisfaction for the said land, and the other five shillings shall be applied towards defraying the expence of laying off and improving the said town, as a majority of the directors shall think proper: and in order to do justice to the heirs at law of the said Jonathan Phelps, for such lots as may be sold at public vendue, there shall be paid out of the sale of such lots the whole amount of the sales, if not more than forty shillings for each lot, on an average; and that all above that sum shall be applied by the directors for the benefit of the said town, in manner as by this act directed, and in case of a refusal or neglect of any of the subscribers or purchasers of lots to pay their respective sums, the said directors shall and may warrant or sue the person or persons (according to the dignity of the debt) in their own names, and therein shall recover, with costs.

VI. And whereas the plan of the said town is thought to be incorrect and uncertain; be it enacted, by the authority aforesaid, that the directors, or a majority of them, shall have full power and authority to meet as often as they shall think necessary, and cause a re-survey of the said town, and a plan to be made from the said re-survey, and therein to insert a mark or number to each lot, and shall give the courses and distances of each several street and lot in the said town.

VII. Provided nevertheless, that if any house hath been built on any street, lot, or common, in the said town, contrary to the intent and meaning of the several before recited acts, the proprietor of such house shall not be injured by the said re-survey; but such house, and the ground whereon it stands, shall, and is hereby declared to belong to

the said proprietor or proprietors, his, her, or their heirs or assigns, any thing of the before recited acts to the contrary notwithstanding.

VIII. And whereas in the plan of the said town, heretofore taken, there is common ground left between the streets and the river, where warehouses and wharfs might be built, for the benefit and convenience of commerce, be it enacted, by the authority aforesaid, that the directors, or a majority of them, are empowered and required to sell such pieces of ground as may be considered the commons of the said town, as shall be by them judged conveniently situated for such buildings and improvements, at public vendue, to the highest bidder, and to make proper deeds and conveyances for the same; and the money arising from such sale, to be applied towards the benefit of the said town.

IX. *Provided nevertheless*, that when any lot has been heretofore drawn, sold, or conveyed, and is now the property of any person or persons next opposite to which such lots or lots belong, on tendering and paying to any one or more of the directors, within six months after the passing hereof, the sum of twenty shillings, proclamation money, the directors shall make and execute a deed or deeds for them, in the same manner as is before directed, and the money to be applied as herein before directed.

X. And be it further enacted, by the authority aforesaid, that the directors, or a majority of them, shall, on application of any person or persons who hath already saved, or shall hereafter save any lot or lots within the said town, give such person or persons a certificate of the lot or lots having been so saved, agreeable to law; which shall be proved or acknowledged, and registered in the said county of *Perquimans*, at the proper cost and charges of the person or persons requiring such certificate; and the said lot or lots shall thereafter be held, deemed, and taken to be sufficiently saved, and shall continue, to be the property of the grantee or grantees thereof, his, her, or their heirs or assigns, forever, any thing in this, or any of the before recited acts, to the contrary, notwithstanding.

XI. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the inferior court of *Perquimans* county, and they are hereby directed and required, within six months after the passing of this act, and from time to time thereafter as occasion may require, to appoint an overseer to work on the streets and alleys of the said town, who shall have equal power and authority, and be liable to the like pains and penalties, as other overseers; and the inhabitants of the said town shall, at all times hereafter, by order of the overseer, work on the streets and alleys of the said town, in the same manner, and under the same penalties, as others are liable to, in and by an act of Assembly, intitled, *that act to improve the inferior courts of the several counties in this province to order the laying out of public roads, and to establish and regulate ferries, and to appoint where bridges shall be built for the use and ease of the inhabitants of this province, and to clear navigable rivers and creeks*; and the overseer, and inhabitants of the said town, shall not be liable to work on any other road hereafter, any law, usage, or custom, to the contrary, notwithstanding.

XII. And be it further enacted, by the authority aforesaid, that the overseer, within six months after his appointment, shall cause all persons liable to work on the streets and alleys of the said town, to make a sufficient fence from and to the water, on each side of the said town, in the most convenient place, and shall hang a gate or gates at one or more of the most public streets of the said town, as occasion may require; and the said overseer and company, for the time being, shall, from time to time, and at all times thereafter, keep the said fence and gates in good and sufficient repair, under the like fines and forfeitures, as for neglecting to work on the streets and alleys of the said town.

XIII. And be it further enacted, by the authority aforesaid, that no inhabitant of the said town shall, on any pretence whatsoever, keep any hog or hogs, boar or pigs, running at large within the bounds of the said town, on penalty of forfeiting and paying the sum of twenty shillings, proclamation money, to the party aggrieved; and further, that it shall and may be lawful for any person whatsoever, after the first day of *January* next, to shoot, kill or otherwise destroy, such hog or hogs, boar or pig, so running at large in the said town.

XIV. *Provided nevertheless*, that the person or persons killing such hog or hogs, boar or pig, shall not be intitled to them; but the same shall continue the property of the owner, who may take the same to his, her, or their use and benefit.

XV. And whereas several of the directors of the said town are dead, whereby their offices are become vacant; Be it further enacted, by the authority aforesaid, that from and after the passing of this act, *Seth Sumner, William Skinner, Andrew Knox, Nathaniel Williams, and Thomas Harvey*, be, and are hereby appointed directors of the said town, and may use and exercise the same powers and authorities, as the directors appointed by the before recited act could or might have exercised, used, or enjoyed, by virtue of the same; and in case of the death, refusal to act, or removal out of the county, of one or more of the said directors, the surviving or other directors, or a majority of them, shall, and they are hereby empowered and required, to choose another director or directors, in the room of him or them so dying, refusing to act, or removing out of the county, agreeable to the directions of the said act.

XVI. And whereas the Court House in *Perquimans* county is situate in the town of *Hartford*, on the west side of *Perquimans* river, and the inhabitants on the east side of the said river are obliged to attend at the said Court House, during the sitting of the inferior Court, at the election of members of Assembly and vestry men, general musters, and court martials of the said county, and the act of Assembly heretofore made for defraying expences of such carriage is near expiring; Be it therefore enacted, by the authority aforesaid, that the inferior court of the said county of *Perquimans* shall sit at *Weldon*, and be required, at the next court to be held after the first day of *May*, yearly, to lay a tax, not exceeding five pence, proclamation money, on each taxable person in the said county, to be

collected and accounted for with the inferior court of the said county, by the sheriff of the said county, in the same manner, and under the like regulations and restrictions, as other taxes of the said county are to be collected and accounted for, and to be by the said court applied and appropriated as a premium or reward to several ferrymen now appointed, or hereafter to be appointed by the court of the said county, to keep a ferry from *Hertford* to *Newby's* point, and from *Newby's* point to *Hertford*; for which they shall, and are hereby obliged, to set over, ferriage free, all persons resident in the said county, going and returning from the court or vestry of the said county, election of members of Assembly and vestrymen, musters, and court martials of the said county.

XVII. *And be it further enacted, by the authority aforesaid, that the inferior court of the said county are hereby authorized, empowered and required, out of the monies arising by the tax so laid and collected as aforesaid, yearly, and every year, to allow and pay to the several ferrymen attending at the ferry aforesaid, such sums of money as they shall think reasonable, for their trouble in transporting all persons who shall or may have occasion to attend the said Court-house on the days and times aforesaid.*

XVIII. *And be it further enacted, by the authority aforesaid, that the ferrymen that now are appointed, or shall hereafter be appointed by the court of the said county, to keep a ferry at Hertford and Newby's point, are hereby required to ferry over the said river, free from any expence, all persons resident in the said county, during the sitting of the inferior court and vestry of the county, and also all persons whatever on the days of election of members of Assembly or vestrymen, and also all persons going to, and returning from, the musters and court martials of the said county, under the penalty of forfeiting and paying the sum of ten shillings, proclamation money, for each neglect or refusal; to be recovered by a warrant, on proof made before any Magistrate of the said county.*

XIX. *And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Justices of the said court to take bond and security of the said ferry keepers, in the sum of twenty pounds, proclamation money, for their due and faithful performance of the duties enjoined by this act; and that all fines that shall be recovered against any ferry keeper in virtue of this act, shall be paid to the Justices of the said court, to be by them applied towards defraying the charges of the county, and all other fines by this act imposed shall be recoverable by the directors, or a majority of them, and applied towards the benefit of the said town.* p. 33, 43, 53. N. C. L. 1, 1764, 3, 212.

CHAP. XV. *An act for rendering the navigation of Trent river more useful and advantageous.*

I. **W**HEREAS about twenty five miles above the town of *Newbern*, in *Curwen* county, the river *Trent* makes a sudden crook or turn round a piece of low lands near the distance of five miles, and then returns within eighty feet of the place where the said crook began; and whereas the said river is there in many places shoal, and other wise so stopped up, as to render the passage of crafts both difficult and dangerous; and as the said disadvantages may be easily removed, by cutting a canal through a small neck of land called *Harper's*, the proprietor thereof unknown, which the inhabitants are willing to perform at their own expence.

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that Lemuel Hatch, Edmund Hatch, and Emanuel Simmons, be, and are hereby appointed commissioners, for laying out and directing the execution of the said canal; and they, or any of them, are hereby invested with full power and authority to see the same carried into execution, without incurring any forfeiture or damage for cutting the said canal through the lands of any person or persons whatsoever; any law, usage, or custom, to the contrary, notwithstanding.*

CHAP. XVII. *An additional act to an act, intituled, An act for establishing a school house in the town of Newbern.* p. 49.

I. **W**HEREAS the incorporated society for promoting and establishing the public school in *Newbern* have taken up four lots of land, lying in the said town, known in the plan thereof by the numbers or figures 313, 327, 328, and 329, and are contiguous to, and in the same square, in which the said society have erected a large and convenient building, for the use and accommodations of the master and scholars of the said school; and it being inconvenient that any other building, sufficient to save the said lots, should be erected on the same:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said building already erected, shall be held, deemed, and taken to be a sufficient saving and improvement of the said lots number 313, 327, 328, and 329, within the extent and meaning of the act of Assembly in such case made and provided; and the said four lots are hereby declared to be saved and improved lots accordingly, and vested in the trustees of the said incorporated society, and their successors, for ever, in trust and confidence, to and for the use of the said school; any act or acts of Assembly to the contrary notwithstanding.*

CHAP. XXII. *An act for establishing a town on the land of Isaac Jones, lying on the north west branch of Cape Fear river, in Bladen county.*

I. **W**HEREAS it hath been represented to this Assembly that the land of *Isaac Jones*, lying on the south west side of the north west branch of *Cape Fear* river, in *Bladen* county, is a healthy pleasant location, well watered, and commodious for commerce, and sundry persons of note are desirous that a town should be erected thereon, for promoting the trade and navigation of the said river; and the said *Isaac Jones* having signified his free consent

thereto, by a certificate under his hand and seal, to have one hundred acres of the said land laid off for a town.

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that the said one hundred acres, of land, where the same shall be laid off according to the directions of this act, be, and the same is hereby constituted, erected, and established a town, and shall be called by the name of *Elizabeth town*.

III. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, *Walter Gibson, William Salter, James White, James Bailey, and Benjamin Humphrey, Esquires,* be, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on said town, and they shall stand seized of an indefeasible estate in fee of the said one hundred acres of land, to and for the uses, intents, and purposes, hereby expressed and declared; and they, or any three of them, shall have full power and authority to meet as often as they shall think necessary, and to appoint a public quay at such place on the said river for a public landing, as to them shall seem convenient, and to lay out three acres of the said one hundred for a market place, and other public buildings, and the residue thereof into lots, streets, lanes, and alleys, or so much of the same as will make at least one hundred and twenty lots, of half an acre each, and cause a plan thereof to be made, and therein to insert a mark and number to each lot, and as soon as the said town shall be laid off as aforesaid, they, and each of them, shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for seventy lots or upwards, they shall appoint a day, and give public notice to the subscribers of the day appointed for the drawing of the said lots, which shall be done by ballot, in a fair and open manner, by the direction, and in the presence of the majority of the said directors at least; and such subscriber shall be intitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan for said town: and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said one hundred and twenty lots to the subscribers, their heirs and assigns, for ever; and also to every other person who shall purchase any other lot or lots in the said town, at the proper costs and charges of the said grantee, to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee-simple.

IV. *Provided nevertheless,* that every grantee of any lot or lots in the said town so conveyed, shall within three years next after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed or brick house, sixteen feet square at the least, and nine feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to pursue or comply with the directions in this act prescribed for the building and finishing a house thereon, then such lot or lots, upon which such house shall not be built and finished as aforesaid, shall be re-vested in the said directors; and the said directors, or a majority of them, may, and are hereby impowered and authorized, to sell such lot or lots for the best price that can be had, to any person applying for the same, and grant and convey such lot or lots to such person or persons, under the like regulations and restrictions, as the same was or were formerly granted; and the money arising from such sales to be applied by the said directors, or a majority of them, for the benefit and improvement of the said town.

V. *And be it further enacted, by the authority aforesaid,* that each respective subscriber, who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors, or to one of them, the sum of forty shillings, proclamation money, for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the sum, the said directors shall and may commence and prosecute a suit in their own names for the same, and therein shall recover judgment, with costs of suit: and the said directors shall, as soon as they receive the said money, pay and satisfy the said *Isaac Jones*, his heirs or assigns, the sum of thirty five shillings, proclamation money, for each lot, in full satisfaction for the said land; and the other five shillings shall be applied towards defraying the expence of laying off and improving the said town, as a majority of the directors shall think proper.

VI. *Provided nevertheless,* that the said *Isaac Jones* shall have and keep to his own use his tan yard, mill and bark houses, with such lots as he shall choose adjoining them, not exceeding four lots, exclusive of the said one hundred acres; and that nothing in this act contained shall be construed or extend to grant power to the said directors, or their successors, or any other freeholder of the said town, to keep a public ferry at the said landing, so to be appointed by the said directors, in prejudice to the ferry of the said *Isaac Jones*, now by law established: and in case it should hereafter be found necessary to erect a public or other ferry at the said landing, the right of keeping the same shall remain to the said *Isaac Jones*, his heirs or assigns, until he or they shall refuse to comply with the terms by law prescribed for erecting and keeping public ferries.

VII. *And for continuing the succession of the directors until the said town shall be incorporated, be it further enacted, by the authority aforesaid,* in case of the death, or refusal to act, or removal out of the county of any of the said directors, the surviving or other directors, or the major part of them, shall assemble, and are hereby impowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person, being a freeholder of said town, in place of him so dying, refusing to act, or removing out of the county; which new director so nominated and appointed, shall from thenceforth have the like power and authority in all things in the matter herein contained, as if he had been expressly named and appointed in and by this act.

The rest Obsolete.

CHAP. XXXIII. *An act for erecting a public gaol, and gaoler's house, in the town of Wilmington, for the district of Wilmington.*

I. **WHEREAS** no public gaol hath been heretofore erected by law for the district of *Wilmington*, and it being necessary that a public gaol, and gaoler's house, should be erected in the town of *Wilmington*, for the said district:

II. *Be it enacted, by the Governor, Council, and Assembly, and by the authority of the same, That Cornelius Harnett, John Ancrum, and Robert Hogg, Esquires, be, and are hereby appointed trustees, for designing, contracting, building, and finishing a good and sufficient gaol, and gaoler's house, of good brick or stone, at some convenient place in the said town, as to them, or the majority of them, or their survivors, shall seem most proper; which said gaol and gaoler's house, when so erected, shall be, continue, and remain the public gaol, and gaoler's house, of the several counties within the district of Wilmington aforesaid.*

III. IV. & V. *Obsolete.*

VI. *And be it further enacted, by the authority aforesaid, that the lot of ground in the town of Wilmington whereon the county gaol now stands, together with all the buildings thereon, are hereby vested in the aforesaid trustees, or the majority of them, or their survivors, to be by them sold at public vendue, if they shall judge it necessary, who are hereby empowered to make a good and sufficient title to the purchaser or purchasers for the same; and the monies arising therefrom to be by them applied towards purchasing another lot or lots in the said town, for erecting thereon a public gaol for the district aforesaid.*

VII. *And be it further enacted, by the authority aforesaid, that after the said gaol shall be finished, it shall and may be lawful for the Magistrates, or either of them, within the said district, before whom any offender shall be examined, if he or they think it necessary, to commit such offender to the aforesaid gaol: and the sheriff of the county for the time being, where such offender shall be apprehended, is hereby authorized and required to convey such offender to the said gaol, and deliver him or them to the sheriff or keeper thereof, and take a receipt of such sheriff or keeper, which shall be his discharge for such offender.*

VIII. *And be it further enacted, by the authority aforesaid, that after the said buildings shall be finished, the sheriff of the county of New-Hanover, for the time being, is hereby directed and required to employ some person of integrity to be keeper of the said gaol; who shall constantly reside in the said gaoler's house, and take all lawful ways and means for preventing the escape of prisoners.*

CHAP. XXXIV. *An additional act to an act for erecting a court-house and prison for the use of the district of Edenton.*

I. II. III. & IV. *Obsolete.*

V. **AND** be it further enacted, by the authority aforesaid, That the said gaol when finished, shall be deemed the proper prison for the commitment and confinement of all traitors, felons, and other notorious criminals, who shall be apprehended in any of the counties constituting the said district; and the sheriff, coroner, or other officer, who shall have such criminal in custody, shall have full power and authority to convey him to the said gaol, and deliver him to the sheriff of *Curran* county, or to the keeper of the said gaol, with the *Mittimus*, or paper containing the cause of such commitment; which sheriff, or keeper of the said gaol, is hereby commanded and required to receive into the said gaol, all such prisoners delivered to him as aforesaid, and shall give to such sheriff, coroner, or other officer, from whom he shall receive such prisoner, a receipt, acknowledging that he has received into his custody such prisoner and *Mittimus*, or paper containing and setting forth the cause of his commitment; and shall retain all persons committed in virtue of this act in close gaol, until they shall be released by due course of law.

XIV GEORGE III. The 2d of March, 1774.

CHAP. IX. *An act for enlarging the time of saving lots in the town of Windsor, for erecting a court house, prison, and stocks, for the county of Bertie, in the said town, and other purposes.*

I. **WHEREAS** from many unavoidable hindrances and disappointments, it hath been found impracticable for the inhabitants of the town of *Windsor* to compleat their buildings on their respective lots within the time limited by law:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that every lot in the said town, on which a house shall be built, of the dimensions mentioned in an act of Assembly, intituled, An act for establishing a town on the lands of William Gray, on Cushman river, in Bertie county, within two years after the passing of this act; and also every lot therein which shall be hereafter sold or conveyed by the directors or commissioners of the said town, on which such house shall be erected and built, within the space of two years after the date of the conveyance executed for the same, shall, and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple, any thing in the said act contained to the contrary notwithstanding.*

III. *And be it further enacted, by the authority aforesaid, that when any lot in the said town shall lapse, by reason*

of its not being huilt upon, the directors or commissioners of the said town, or a majority of them, shall and may, and they are hereby directed, impowered, and required, to sell such lot at public vendue, for the best price that can be got; and the money arising from such sale, to be vested in the directors or commissioners, for the use of the said town; and the directors or commissioners shall give the purchaser of every such lot a deed of bargain and sale, for the lot by him so purchased.

IV. And whereas the suffering of hogs to run at large in the said town is found to be injurious to the properties of the inhabitants thereof; *Be it therefore enacted, by the authority aforesaid*, that none of the inhabitants of the said town shall, one month after the passing of this act, suffer any of their hogs to run at large within the bounds of the said town; and any hog or hogs running at large, shall be forfeited to the commissioners, and the same, by an order from one of them, under his hand, directed to the constable, to be by him sold to the highest bidder, for the benefit of the said town.

V. And whereas divers of the subscribers for lots in the said town have neglected to pay the several sums by them subscribed, whereby *William Gray*, Esquire, the original proprietor of the said lands whereon the said town is erected, is greatly injured; *Be it therefore enacted, by the authority aforesaid*, that it shall and may be lawful for the said *William Gray*, his heirs and assigns, to demand payment for the several sums which are still due and owing to him for lots in the said town; and in case any person, from whom the same is due, shall refuse or neglect to pay the same, it shall and may be lawful for him the said *William Gray*, his heirs and assigns, to recover all such sums, with costs, by warrant from a Justice of the Peace, who is hereby impowered to give judgment, and award execution for the same, in the same manner as in the case of warrants from the recovery of other debts; any law, usage, or custom, to the contrary, notwithstanding.

VI. And whereas the court-house and prison in the county of *Bertie* aforesaid are in a ruinous condition, and the Justices of the said court, and the officers and suitors, jurors and others, whose attendance at the same is by law required, are subject to great hardships and inconveniences, for want of proper accommodation and entertainment at the place where the said court-house now stands: for remedy whereof, *Be it enacted, by the authority aforesaid*, that from and after the first day of *June* next, the court for the said county shall be constantly held, on the days and times by law appointed, at the town of *Windsor* aforesaid: any law, usage, or custom, to the contrary, notwithstanding.

VII. *And be it further enacted, by the authority aforesaid*, that after the aforesaid first day of *June*, all appearances and returns of process shall be made to the said court, in the town of *Windsor* aforesaid.

The rest Obsolete. See p. 54.

CHAP. X. *An act for vesting in certain persons therein named two acres of land, at Belville, in Currituck county, as trustees for erecting a chapel thereon, and for inclosing a burying ground.*

I. **W**HEREAS many religious and well disposed persons in this province have agreed among themselves to build and endow a decent and commodious chapel for the performance of divine worship, according to the form of the church of *England* by law established, and to inclose a certain piece of ground contiguous thereto, for the purpose of a burying place, and to provide a fund for the maintenance of the poor.

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, that two acres of land (now the property of *Thomas M^cKnight*, Esquire) situate in the county of *Currituck*, at a place called *Belville*, and bounded as follows, *viz.* Beginning at a cedar stake, and running thence by a line of stakes round the said two acres to the first station, be, and is hereby vested in *Thomas M^cKnight*, *Isaac Gregory*, *James Parker*, *Francis Williams*, *Solomon Perkins*, *William M^cCormick*, *Neil Snodgrass*, *William Ferebee*, and *Thomas King*, Esquires, and their successors, for ever: who are hereby constituted and appointed trustees for the purposes herein after mentioned, that is to say; to inclose the said two acres of land, and to build thereon a commodious and decent chapel, to be called and known by the name of *St. Martin's chapel*; and to receive and take all such voluntary subscriptions and donations, as religious and public spirited persons may think proper to bestow, for the purpose of building and endowing the said chapel, for inclosing of the burying ground, and providing a fund for the maintenance of the poor: and the said trustees, and their successors, are hereby impowered to agree with and employ, from time to time, a minister of the church of *England*, duly admitted into priests orders, and of approved morals, to perform public worship, according to the rites and ceremonies of the church of *England*; and from time to time to make and ordain such rules, orders, and regulations, for the good government of the said chapel, and disposal of the funds belonging thereto, towards promoting the religious, public spirited, and charitable intentions of the proprietors (herein after described) for the time being, and of the donors to the said chapel, and fund for the maintenance of the poor; provided such rules, orders, and regulations, be not repugnant to the laws of *Great Britain* or this province.

III. *And be it further enacted, by the authority aforesaid*, that the consent of the major part of such trustees, shall be competent to the doing or performing any act to which they are impowered by this law: *And provided also*, that when any thing of consequence is to be transacted or determined, the said proprietors shall be summoned to meet at the chapel, by public notice given there for two *Sundays* preceding the time of meeting; and the consent of the major part of them so meeting, shall be necessary to enforce the rules, orders, and regulations of the trustees.

IV. *And be it further enacted, by the authority aforesaid*, that on the death or resignation of any of the trustees be-

fore named, or their successors, it shall and may be lawful for a majority of the said proprietors to elect and choose another trustee or trustees, in the room or stead of him or them so dying or resigning.

V. *And be it further enacted, by the authority aforesaid,* that every person subscribing and paying such a sum as the majority of the subscribers shall agree upon, with the consent of the trustees, shall be deemed and held a proprietor in the said chapel and burying ground; and shall have full power to erect a pew in such part of the said chapel as shall be laid off and assigned to such proprietors by the trustees, for the use of the said proprietor, and his heirs and assigns, for ever.

VI. *And be it further enacted, by the authority aforesaid,* that the proprietors of the said chapel, or a majority of them, are hereby impowered to elect and choose a treasurer; who shall give bond and security to the trustees, and their successors, for such sum as shall seem necessary, with a condition that he shall account with, and pay to the order of the said trustees, as often as he shall be by them, or a majority of them, required, all monies, or other estate as shall come to his hands, for the uses and purposes aforesaid.

VII. *And be it further enacted, by the authority aforesaid,* that the trustees, or a majority of them, be, from time to time, impowered to choose a clerk or register of the said chapel, to register the conveyances of the property in the said chapel and burying ground; and also all marriages, christenings, and burials, which shall be administered, solemnized, or performed by the minister serving the cure of the said chapel, and to remove the said clerk at their discretion.

VIII. *And be it further enacted, by the authority aforesaid,* that nothing in this act contained shall be deemed or construed to exempt any of the proprietors of, or subscribers to the said chapel, or endowment thereof, from any parish charges or duties in the respective parishes where he, she, or they shall be resident.

IX. *Provided,* that nothing contained in this act shall empower the trustees, or their successors, to erect any building, or to appropriate the said two acres of land, or any part thereof, to any other purpose or use whatsoever than what is declared in the title of this act.

CHAP. XIV. *An act for establishing the court-house in the town of Charlotte, in Mecklenburg county, and for regulating the said town.*

I. **W**HEREAS by an act, intituled, *An act for dividing the county of Mecklenburg, and other purposes*, the court of the county was directed to be held in the court-house then built during the term of seven years, which said term is near expiring; and it having been represented that the removal of the seat of the court from the said court-house, and the disposal of the same, agreeable to the before recited act, would be inconvenient to many of the inhabitants of the said county, and discourage the trade and commerce of the said town:

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same,* that from and after the passing of this act, the said court-house already built in Charlotte town, be, continue, and remain the court-house of the said county of Mecklenburg, and the inferior court of the said county shall hereafter be constantly held therein; any thing in the said act contained to the contrary notwithstanding.

III. And whereas the frequent firing of guns, running horse races, and playing at long bullets, in the said town, is found to have a dangerous tendency: to prevent which, *Be it enacted, by the authority aforesaid,* that from and after the passing hereof, no person whatsoever shall shoot with a gun (except it be to kill cattle or hogs) or immoderately ride or strain any horse or horses, or play at long bullets, within the limits of the said town, under the penalty of paying the sum of twenty shillings for each offence; to be recovered by a warrant, before any Justice of the Peace of the said county, by one of the trustees.

IV. And whereas by an act, *for establishing a town in Mecklenburg county*, every person having a deed for any lot in the said town of Charlotte is required to build a house, of the dimensions in the said act specified, within three years after the date of the conveyance for the same, which is found to be injurious to the inhabitants of the said town; *Be it enacted, by the authority aforesaid,* that no person or persons shall forfeit his or their lot or lots for not building on the same, except such lots shall front on one of the main streets in the said town; any law, usage, or custom, to the contrary notwithstanding.

V. *And be it further enacted, by the authority aforesaid,* that every taxable person in the said town shall be obliged to work on the streets thereof six days in every year, if required by the overseer, or find some person to work for him, under the penalty of five shillings for every day he shall refuse or neglect; to be recovered as is herein before directed.

VI. And whereas some of the trustees of the said town are dead, and others removed out of the province; *Be it enacted, by the authority aforesaid,* that Jeremiah McCafferty, Robert Elliot, William Paterson, and Isaac Alexander, be added to the trustees formerly appointed, and they are hereby invested with the same powers and authorities as the other trustees; any thing to the contrary notwithstanding.

VII. *And be it further enacted, by the authority aforesaid* that all fines arising in virtue of this act, shall be applied towards clearing and repairing the streets in the said town of Charlotte. *N. G. L. 1768, 10, 241. 1p. 55.

CHAP. XVI. *An act to amend an act for the laying out a town on the lands of Richard Evans, in Pitt county, by the name of Martinborough, and for removing the court-house, prison, and stocks, into the said town. p. 64.*

I. **W**HEREAS by the before recited act it is enacted, that *Richard Evans* should signify his consent in open court, before the commissioners should proceed to lay out the said town, which was not complied with in the lifetime of the said *Richard Evans*; and *Susannah Evans*, the widow and relict of the said *Richard Evans*, in whom the fee simple of the said lands was vested, after his death, in order to comply with the intention of the said act, hath conveyed the said lands to the commissioners of the said town, for the purposes in the said act expressed.

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the lands laid out and appropriated for the said town by the commissioners mentioned in the act aforesaid, shall be, and is hereby declared as effectual, as if the consent of the said Richard Evans thereto had been previously obtained; and that all deeds and conveyances made by the commissioners aforesaid of any lot or lots in the said town, shall be, and are hereby declared good and valid in law to convey the fee simple of the same to the purchasers, their heirs and assigns, for ever.*

III. And whereas it would be of general utility to the county of *Pitt*, as well as of singular advantage to the said town, and promote the trade and commerce thereof, if the court of the said county should be held for the future in the said town, on the days prescribed by act of Assembly; *Be it enacted, by the authority aforesaid, that Charles Forbes, Henry Ellis, Benjamin May, George Evans, and William Robertson, be, and are hereby appointed commissioners; and they, or a majority of them, are hereby authorized and empowered to agree and contract with workmen to remove the court-house, prison, and stocks, from where they now stand, into the said town of Martinborough, on such parts of the lots set apart by the commissioners for that purpose as to them shall seem most proper: and the Justices of the said county of Pitt may, and are hereby required, to hold the court of said county at the house of Mr. John Lessly, in the said town, until the court house shall be finished; at which time the said Justices shall adjourn the court to the court house.*

IV. And that a succession of commissioners may the better be kept up, *Be it enacted, by the authority aforesaid, that the sheriff of the county of Pitt, or his deputy, shall on the first Thursday in May, in the year of our Lord one thousand seven hundred and seventy five, before the hour of ten o'clock in the morning, open the poll, and receive the votes for the freeholders of the said town, for electing five persons to be commissioners, and shall continue the same so open until sun-set, when he shall proclaim the five persons who have the greatest number of suffrages to be commissioners for the ensuing year; and in like manner shall, on the first Thursday in May annually, open the poll, receive the votes, and proclaim the commissioners as before directed, under the penalty of fifty pounds, proclamation money, for every neglect or refusal to comply with the directions of this act; to be recovered by action of debt, bill, plaint, or information, in any court of record (wherein no essoin, injunction, or wager of law, shall be allowed or admitted) by any person or persons who shall sue for the same; one half to the prosecutor, the other half to be applied towards defraying the contingent charges of government: which commissioners, so chosen or elected, shall have full power and authority to remove nuisances, keep the streets in repair, and make orders for the good government of the said town.*

CHAP. XXIV. *An act for appointing commissioners to erect a court-house, prison, and stocks, in the county of Guilford.*

I. & II. *Obsolete.*

III. **A**ND whereas satisfaction has been made to the said *John Campbell* for one acre of land, whereon to erect the said public buildings, and to prevent any doubts that may arise in conveying a proper title for the same; *Be it further enacted, by the authority aforesaid, that the fee simple of the said acre of land shall be, and is hereby declared to be vested in the Justices of the Peace for the said county, and their successors, for ever, to the only proper use and behoof of the said county, for the purposes aforesaid; any law, custom, or usage, to the contrary, notwithstanding.*

CHAP. XXVII. *An act to empower the Justices of Bladen county to hold the inferior court of pleas and quarter sessions in the town of Elizabeth, in the said county.*

I. **W**HEREAS the removal of the court from the court-house in *Bladen* county to the town of *Elizabeth*, would greatly promote the trade and improvement thereof;

II. *Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, that from and after the passing hereof, the inferior court of pleas and quarter sessions for the said county of Bladen, shall be held by the Justices of the said county at some convenient house in the town of Elizabeth; and that all causes, pleas, writs, actions, suits, plaints, process, precepts, recognizances, indictments, presentments, and other matters and things in the said county of Bladen depending, shall stand adjourned and continue, and are hereby adjourned and continued, from the court-house of the said county to the court to be held for the said county in the town of Elizabeth: and all appearances and returns of process shall be made to the inferior court to be held for the said county at the town aforesaid; and all suitors and witnesses shall be bound to appear thereat, in the same manner, and under the same penalties, as if the said court had been continued at the court house.*

CHAP. XII. An act for enlarging the time of saving lots in the town of Windsor, in Bertie county.

WHEREAS from the impossibility of procuring nails, and other necessary materials for building, as well as from many other unavoidable hindrances, occasioned by the present contest with Great Britain, it hath been put entirely out of the power of the inhabitants of the town of Windsor, in Bertie county, to complete their buildings on their respective lots within the time limited by law;

Be it therefore enacted, by the General Assembly of the State of North Carolina, and by the authority of the same, that every lot in the said town on which a house shall be built of the dimensions mentioned in an act of Assembly, intituled An act for establishing a town on the land of William Gray, on Cusby river, in Bertie county, or other improvements made thereon, which shall be deemed by the directors or commissioners of the said town equal thereto, within three years after the passing this act, and also every lot therein which shall be hereafter sold or conveyed by the directors or commissioners of the said town, on which such house shall be erected and built, or other improvements made, which shall be deemed by the directors or commissioners of the said town equal thereto, within the space of two years after the date of the conveyance executed for the same, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple; any thing in the said act contained to the contrary, notwithstanding. p. 54

CHAP. XV. An act for establishing a town on the lands of John Smith, and other purposes.

WHEREAS it is represented to this General Assembly, that a town on the lands of John Smith, on the north side of Neuse river, in Johnston county, where the court-house and other public buildings now stand, would tend to the promotion of commerce, and be greatly for the ease and convenience of the inhabitants of that county in attending courts and other public business, and the said John Smith having signified his free assent, by a certificate under his hand, to have one hundred acres of said land laid off for a town, and fifty for commons;

Be it therefore enacted, by the General Assembly of the State of North Carolina, and by the authority of the same, that the directors or trustees hereafter appointed, or the majority of them, shall as soon as may be after the passing of this act, cause one hundred acres to be laid off in lots of half acres each, with convenient streets, lanes, and alleys; which lots so laid off according to the directions of this act, are hereby constituted and erected a town, and shall be called by the name of Smithfield.

And be it further enacted, by the authority aforesaid, that from and after the passing of this act, Benjamin Williams, William Bryan, Samuel Smith, jun. John Rand, John Smith, John Stephens, and Lewis Bryan, Esquires, be, and they, and every of them, are hereby constituted directors and trustees for the designing, building, and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple, of the said one hundred and fifty acres of land, to and for the uses, intents and purposes, hereby expressed and declared; and they, or a majority of them, shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot. As soon as the said town shall be laid off as aforesaid, they, and each of them, shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for eighty lots or upwards, they shall appoint a day, and give public notice to the subscribers of the day and place appointed for the drawing of the said lots, which shall be done by ballot, in a fair and open manner, by the direction, and in the presence of the majority of the said directors at least; and such subscribers shall be intitled to the lot or lots which shall be drawn for him, and correspond with the mark or number contained in the plan of said town. And the said directors or the majority of them, shall make and execute deeds for granting and conveying the said one hundred acres of land, in half acres as aforesaid, to the subscribers, their heirs and assigns, for ever, and also to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee to whom the said lot or lots shall be conveyed, and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple. *Provided nevertheless,* that every grantee of any lot or lots in the said town to be conveyed, shall within three years next after the date of such conveyance for the same, erect, build, and finish, on each lot so conveyed, one well framed or brick house, sixteen feet square at least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon, then such lot or lots upon which such house shall not be built, and finished as aforesaid, shall be re-vested in the said directors; and the said directors, or a majority of them, may and they are hereby empowered and authorized to sell such lot or lots for the best price that can be had to any person applying for the same, and grant and convey such lot or lots to such person or persons, under the like rules, regulations, and restrictions, as the same was or were formerly granted, and the money arising from such sale be applied by the said directors, or a majority of them, for the benefit and improvement of said town.

IV. And be it further enacted, by the authority aforesaid, that each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors, or one of them, the sum of fifty

shillings for each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit for the same, and therein shall recover judgment, with costs of suit. And the said directors shall, as soon as they receive the said money, pay and satisfy to the said John Smith, his heirs or assigns, the sum of forty shillings for each lot, in full satisfaction for the said land; and the other ten shillings shall be applied towards defraying the expences of laying off and improving the said town, as a majority of the directors shall think proper.

V. And for continuing the succession of the directors until the said town shall be incorporated, *Be it further enacted, by the authority aforesaid*, that in case of the death, refusal to act, or removal out of the county, of any of the said directors, the surviving directors, or a majority of them, shall assemble, and are hereby empowered, from time to time, by instrument of writing, under their respective hands and seals, to nominate some other person, being a freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the county; which new director so nominated and appointed, shall from thenceforth have the like power and authority in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act.

VI. *Provided nevertheless*, that the said John Smith shall have to his own use a reserve of seven lots, exclusive of the said one hundred acres, to secure his dwelling house and other houses belonging to him now on the said land.

CHAP. XVI. *An act for the regulation of the town of Hillsborough.*

I. **W**HEREAS the erecting and establishing the town of Hillsborough hath been found highly beneficial and convenient to the western parts of this state, and the same being a healthy pleasant situation, and convenient to inland trade:

II. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enabled*, that the charter of the town of Hillsborough be and remain, with all and every privilege therein mentioned, whole and entire, to the use and benefit of the present and future inhabitants of the said town of Hillsborough.

III. *And be it enacted, by the authority aforesaid*, that William Johnston, James Hogg, John Sheels, William Courtney, and James Watson, Esquires, be, and are hereby appointed commissioners of the said town; and they, or a majority of them, are hereby empowered to bring the former commissioners to account for any money that may remain in their hands; and the commissioners above mentioned, or a majority of them, are hereby empowered to lay out such money agreeable to the directions hereafter mentioned for laying out the town taxes.

IV. *And be it enacted, by the authority aforesaid*, that from and after the passing of this act the commissioners, or a majority of them, shall, and they are hereby required, within twenty days after the first Tuesday in June in every year, to lay such taxes as they shall judge necessary, not exceeding twelve shillings and six pence per poll, on all the taxable persons in the said town; which tax shall be collected by warrant under the hands and seals of the commissioners, or the majority of them, directed to any person they shall appoint to collect the same, returnable at such time as shall be therein mentioned; which said collector appointed as aforesaid, is hereby empowered to collect and make distress for the same, in like manner as other collectors of public or county taxes shall be empowered by law; and the money arising therefrom, after deducting five per cent. commissions, shall by him be paid into the hands of the commissioners, or a majority of them, to be by them applied and laid out in clearing and repairing the public streets, lanes, and allies, and in any other public work they may judge necessary for the benefit of the said town.

V. *And be it further enacted, by the authority aforesaid*, that the inhabitants of the said town shall, and they are hereby required, to give in a list of all the taxable persons in each of their respective families, on oath or affirmation, to some one of the commissioners aforesaid, between the first and second Tuesdays in June in every year, under the penalty of three pounds for every neglect; to be recovered by warrant under the hands and seals of the commissioners of the said town, or the majority of them, to be applied to the public stock of the said town.

VI. *And be it enacted, by the authority aforesaid*, that all persons residing three months in the said town next before the first Tuesday in June in every year, shall afterwards be subject to pay taxes in the said town.

VII. *And be it further enacted, by the authority aforesaid*, that no person shall after the passing of this act be obliged to work on the streets or other public places in the said town, or to pay any other tax but such as is therein before mentioned.

VIII. *And be it further enacted, by the authority aforesaid*, that no inhabitant of the said town shall, on any pretence whatsoever, keep any hog or hogs, shoat or pig, or any geese, running at large within the bounds of the said town, on penalty of forfeiting such hog or hogs, shoat or pig, or geese, and paying the sum of twenty shillings (or two and one half dollars) to the party aggrieved; and further, that it shall and may be lawful for any person whatsoever after the tenth day of June next to shoot, kill, or otherwise destroy, such hog or hogs, shoat or pig, or geese, so running at large within the said town.

IX. And to prevent dangers arising by fire, *Be it enacted, by the authority aforesaid*, that each and every householder within the said town of Hillsborough shall procure, or cause to be procured, two sufficient leather buckets, and a ladder, and keep the same in continual readiness against any alarm that may be given, occasioned by the breaking out of fire at any time in the said town, on penalty of paying twenty shillings.

X. And whereas the too frequent custom of immoderate riding of horses in and through the said town is found to

have a very dangerous tendency; to prevent which, *Be it enacted, by the authority aforesaid*, that no person or persons from and after the passing of this act, on any pretence whatsoever, shall immoderately ride or strain any horse or mare in or through the said town, or any of the streets thereof, on penalty of forfeiting and paying the sum five shillings for each and every offence; to be recovered by warrant under the hand and seal of any Justice of the Peace of the said county.

XI. *And be it enacted, by the authority aforesaid*, that from and after the passing of this act, the inhabitants of the town of Hillsborough are hereby required to meet at the court-house in the said town on the first Tuesday in September in every year, then and there to choose five commissioners for the said town; which shall be elected by ballot, under the inspection of two persons, to be chose by the freeholders of said town for that purpose.

XII. *And be it enacted, by the authority aforesaid*, that as soon as those elected are qualified to proceed on business that the former commissioners are hereby required to give up what money remains in their hands of the town taxes and render an account of their proceedings to the new commissioners; and the commissioners for said town, from and after the passing of this act, are required to keep the town common open for the benefit of the town.

XIII. *And be it further enacted, by the authority aforesaid*, that the sixth, seventh, and fifteenth sections of an act, intituled, *An act to amend an act, for establishing a town on the land formerly granted to William Churton, lying on the north side the river Enoe, in the county of Orange, passed at Newbern the third day of November, one thousand seven hundred and sixty six*, shall be and remain in full force and virtue. p. 47.

CHAP. XX. *An act for incorporating the president and trustees of Liberty Hall, in the county of Mecklenburg.*

I. WHEREAS the proper education of youth in this infant country is highly necessary, and would answer the most valuable and beneficial purposes to this state, and the good people thereof; and whereas a very promising experiment hath been made at a seminary in the county of Mecklenburg, and a number of youths there taught have made great advancements in the knowledge of the learned languages, and in the rudiments of the arts and sciences, in the course of a regular and finished education, which they have since compleated at various colleges in distant parts of America; and whereas the seminary aforesaid, and the several teachers who have successively taught and presided therein, have hitherto been almost wholly supported by private subscriptions: in order therefore that the said subscriptions and other gratuities may be legally possessed and duly applied, and the said seminary, by the name of *Liberty Hall*, may become more extensively and generally useful, for the encouragement of liberal knowledge in languages, arts and sciences, and for diffusing the great advantages of education upon more liberal, easy, and generous terms;

II. *Be it enacted, by the General Assembly of the State of North Carolina, and by the authority of the same*, that the said seminary shall be, and it is hereby declared to be an Academy, by the name of *Liberty Hall*.

III. *And be it further enacted, by the authority aforesaid*, that Isaac Alexander, president, and Mess. Thomas Polk, Thomas Neal, Abraham Alexander, Waightstill Avery, Ephraim Brevard, David Caldwell, James Edmonds, John Simpson, Thomas Rees, Adlai Osborn, Samuel McCorkle, John McKnit Alexander, Thomas McCall, and James Hall, be, and they are hereby formed and incorporated into a body politick and corporate, by the name of president and trustees of *Liberty Hall*, and by that name shall have perpetual succession, and a common seal; and that they the said president and trustees, and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess, all monies, goods and chattels, that shall be given them for the use of the said Academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements and hereditaments, of what kind, nature, or quality soever the same may be, in special trust and confidence that the same, or the profits thereof, shall be applied to and for the uses and purposes of establishing and endowing the said Academy of *Liberty Hall*, in the county of Mecklenburg, building or purchasing suitable and convenient houses for the same, providing a philosophical apparatus and public library, and supporting and paying salaries to the president, and such number of professors and tutors thereof, as shall be necessary to instruct the students, and they shall be able to pay out of the public funds that shall be in their hands.

IV. *And be it enacted, by the authority aforesaid*, that the said president and trustees, and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the purchasers, any such lands, rents, tenements or hereditaments aforesaid, when the condition of the grant to them, or the will of the deviser, does not forbid it. And further, that they the said president and trustees, and their successors, for ever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever.

V. *And be it further enacted, by the authority aforesaid*, that the said president and trustees be, and they are hereby empowered, authorized and required, to convene at the town of Charlotte on the third Tuesday of October next after passing this act, and then and there elect and constitute, by commission in writing under their hands, and sealed with the common seal of the corporation, such and so many professors or tutors as they may think expedient; and then and there, and at all other times for ever hereafter, when the said president and trustees, their successors, or a majority of them, shall be convened and met together in the said county of Mecklenburg, they shall have full power and

lawful authority to elect and constitute one or more professors or tutors; and also to make and ordain such laws, rules and ordinances, not repugnant to the laws of this state, for the well ordering and governing the students, their morals, studies, and academical exercises, as to them shall seem meet; and to give certificates to such students as shall leave the said Academy, certifying their literary merit, and the progress they shall have made in useful knowledge, whether it be in learned languages, arts or sciences, or all of them.

VI. *Be it further enacted, by the authority aforesaid, that the said President and tutors, before they enter upon the execution of the trust reposed in them by this act, shall take the oath appointed for public officers, and also the following oath, viz.*

I A. B. do swear, that I will duly and faithfully, to the best of my skill and ability, execute and discharge the several trusts, powers, and authorities; wherewith I am vested, by an act of the General Assembly, intituled, An act for incorporating the president and trustees of Liberty Hall, in the county of Mecklenburg; and that I will endeavour that all monies, goods, chattels, and the profits of lands, belonging to this corporation, shall be duly applied to the use of the Academy, for the advancement of learning, and as near as may be agreeable to the will of the donor.

SO HELP ME GOD.

And if any president or trustees of the said Academy shall enter upon the execution of the trusts reposed in him by this act before taking the said oaths as above required; he shall forfeit and pay the sum of twenty pounds, proclamation money; to be recovered by action of debt, in the name of the Governor of the State for the time being, and applied to purchase books for the use of the said Academy.

VII. *And be it further enacted, by the authority aforesaid, that the president and trustees shall annually, in the month of October, elect and commissionate some person to be treasurer for the said Academy, during the term of one year; which treasurer shall enter into bond, with sufficient security, to the Governor for the time being, in the sum of five thousand pounds, conditioned for the faithful discharge of his office, and the trust reposed in him; and that all monies and chattels belonging to the said corporation, that shall be in his hands at the expiration of his office, shall then be immediately paid, and delivered into the hands of the succeeding treasurer. And every treasurer shall receive all monies, donations, gifts, bequests, and charities whatsoever, that may belong or accrue to the said Academy during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovery may be had against him, as is or may be provided for the recovery of monies from sheriffs or other persons chargeable with public monies.*

VIII. *And whereas it is necessary to make provision for the appointment of succeeding presidents and succeeding trustees, in order to keep up a perpetual succession; Be it therefore enacted, by the authority aforesaid, that on the death, refusal to qualify, resignation, or removal out of the State, of the president or any of the trustees for the time being, it shall be lawful for the remaining trustees, or a majority of them, and they are hereby authorized and required, to convene and meet together in the said county of Mecklenburg, and there elect and appoint another president, or one or more trustees, in the room and stead of such president, trustee or trustees, dead, refusing to qualify, resigned, or removed out of the State; which president and trustees so elected and appointed, shall be vested with the same trusts, powers and authorities, as other fellows and trustees are invested with by virtue of this act, he or they having first taken the oaths by this act required.*

IX. *And be it further enacted, by the authority aforesaid, that the said trustees and their successors, or a majority of them, at their meeting in October annually, and at any other meeting called for that purpose (after due notice given to at least nine of the trustees, signifying the occasion of such meeting) shall have full power and authority to hear and try complaint against the president, or any professor or tutor, and for misbehaviour or neglect to suspend, or wholly remove him or them from office, and appoint others to fill the same office or offices respectively; and any president so removed from office, shall from thenceforth cease to be a member of the corporation, and the president appointed in his room and stead shall be vested with all the authority and privileges with which the president by this act appointed is invested.*

X. *Provided nevertheless, and be it further enacted, that this act, or any thing therein contained, shall not extend, or be understood to make this Academy one of those seminaries mentioned in the constitution, to oblige this state to support any president, professor or tutor, of said Academy, or other charge or expence thereof whatsoever; this act of incorporation having been obtained at the earnest prayer and intreaty of the said trustees and others, who were desirous to contribute towards the support thereof.*

H Year of the Independence. The 15th of November, 1777. Second Session.

CHAP. XXVII. *An act for appointing commissioners to lay off and mark a road from the court-house in the county of Washington, through the mountains, into the county of Burke.*

I WHEREAS the inhabitants of Washington county would derive great advantages from a public road leading directly through the mountains into the county of Burke, for horses, carts, and waggons, to pass to the sea ports in this state and South Carolina.

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that Charles M'Dowel, John M'Dowel, Samuel Bright, Ezekiel Smith, and Jacob Womack, be, and they are hereby appointed commissioners, and they, or a majority of them, are empowered and authorized to lay off and mark a road by the nearest and best way from the house of Charles Robinson, where the court hath been held in the county of Washington, to the house of Edward Smith, where the court hath been held in the county of Burke; and the said commissioners, or such majority of them as shall lay off and cause the said road to be marked, shall, and they are hereby required to return a proper survey thereof, certified under their hands and seals, to the respective courts of the said counties of Washington and Burke.

III. And be it further enacted, by the authority aforesaid, that after the said road shall be laid off and marked, and a survey thereof returned as aforesaid, the courts of the counties of Burke and Washington respectively shall have full power and authority within their respective counties to appoint overseers, and make order for such number of the inhabitants as they shall think proper, to clear out, work upon, and keep the said road in repair.

The rest Obsolete.

CHAP. XXIX. An act to empower the courts for the counties of Tryon and Guilford to lay a tax by assessment, for finishing the court houses, prison and stocks, in the said counties; and also to empower the several counties in the district of Wilmington to levy taxes for building a district gaol, and gaoler's house, in the town of Wilmington, and other purposes.

I. II. III. IV. V. VI. VII. VIII. and IX. Obsolete.

X. AND be it further enacted, by the authority aforesaid, that after such gaol shall be erected, when any person or persons shall be apprehended for any offence committed within the district aforesaid, it shall and may be lawful for the Magistrate or Magistrates before whom such offender shall be examined, if he or they think it necessary, to commit such offender to the aforesaid gaol; and the sheriff of the county for the time being where such offender shall be apprehended, is hereby authorized and required to convey such offender to the said gaol, and deliver him or her to the sheriff or keeper thereof, and take a receipt of such sheriff or keeper, which shall be his discharge for such prisoner.

XI. And be it further enacted, by the authority aforesaid, that after the said gaol and gaoler's house shall be built as aforesaid, the sheriff of the county of New-Hanover for the time being, is hereby directed and required to employ some person of integrity to be keeper of the said gaol, who during the time any person committed for a capital offence shall be in the said gaol, shall constantly reside in the said gaoler's house, and take all lawful ways and means, from preventing the escape of such offender.

CHAP. XXXVII. An act for securing lots in Elizabeth town, in Bladen county.

I. WHEREAS from the impossibility of procuring nails and other necessary materials for building, as well as from many other unavoidable hindrances, occasioned by the present contest with Great-Britain, it has been put entirely out of the power of the inhabitants of the town of Elizabeth, in Bladen county, to complete their buildings on their respective lots within the time limited by law;

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that every lot in the said town, on which a house shall be built of the dimensions mentioned in an act of Assembly, intituled, *An act for establishing a town on the land of Isaac Jones, on Cape Fear river, in Bladen county*, or other improvements made thereon, which shall be deemed by the directors or commissioners of said town equal thereto, within the space of three years after the passing of this act, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple, any thing in the said act contained to the contrary notwithstanding. *p. 67.

CHAP. XLV. An act for the regulation of the town of Edenton.

I. WHEREAS the regulation of the town of Edenton would be highly beneficial and convenient to the inhabitants thereof;

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, Joseph Hewes, Robert Smith, William Benner, Charles Bonfield, and Samuel Dickenson, Esquires, be, and they are hereby appointed commissioners of the said town; and they, or a majority of them, are hereby invested with the same powers, and made subject to the same rules and regulations, as commissioners heretofore appointed.

III. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, the commissioners of the said town, or a majority of them, shall, and they are hereby required, within sixty days after the first day of January in every year, to lay such tax as they may judge necessary, not exceeding eight shillings; which tax shall be collected by warrant under the hands and seals of the commissioners, or a majority of them, directed to any person they shall appoint to collect the same, returnable at such time as shall be therein mentioned; which said col-

lector, appointed as aforesaid, is hereby empowered to collect and make distresses for the same, in like manner as the sheriffs or other collectors of public, county, or parish taxes, are empowered by law; and the money arising therefrom, after deducting six per cent. commissions, shall by him be paid into the hands of the commissioners, or a majority of them, to be by them applied and laid out in clearing and repairing the public streets, lanes and alleys, and in any other public work they may judge necessary for the benefit of the said town.

IV. And be it further enacted, by the authority aforesaid, that all persons residing three months in the said town next before the first day of January in every year, shall afterwards be subject to pay taxes in the said town.

V. And be it further enacted, by the authority aforesaid, that no inhabitant of the said town shall on any pretence whatever keep any hog or hogs, shoat, pig, or geese, running at large within the bounds of the said town, on penalty of forfeiting such hog or hogs, shoat, pig, or geese, and paying the sum of twenty shillings proclamation money to the party aggrieved; and further, that it shall and may be lawful for any person whatever, after the first day of January next, to shoot, kill, or otherwise destroy such hog or hogs, shoat, pig, or geese, so running at large within the said town.

VI. And whereas the streets of the said town are so much out of repair that it has become inconvenient, and even dangerous, to wagons and other carriages to pass the same; Be it therefore enacted, by the authority aforesaid, that the commissioners by this act appointed be, and they are hereby empowered to summon the male inhabitants of the said town to work upon the streets thereof once in every month, for one day, and no more; and if any male inhabitant of the said town, above the age of sixteen years, black or white, shall fail to obey such summons, if he be a white, shall pay a fine of ten shillings, and if a black, the master of such black shall for such neglect forfeit and pay the fine of ten shillings; the said fines to be collected by warrant of distress, subscribed by said commissioners, or a majority thereof, and directed to the sheriff, constable, or other ministerial officer of the county of Chowan, and to be collected, shall be applied to the repair of such streets.

CHAP. LXVI. *An act for the ease and convenience of the militia on the west side of Newport, in Carteret county.*

I. WHEREAS the court-house in Carteret county is situate between forty and fifty miles from the west end of said county, and having Newport river to cross, being three miles over, which renders it very inconvenient and disadvantageous to the inhabitants of that part of said county to attend at general musters, and other public business: for remedy whereof,

II. Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, it shall and may be lawful for the commanding officer of said county, whenever he orders a general muster, to issue orders to the captains of the militia between the west side of Newport river and the head of White Oak river, to meet at the house of Mr. Thomas Britton, with their companies, and shall order one or more of the field officers under his command to meet said companies at the place aforesaid, there to train and exercise said companies, under the same regulations and restrictions as at a general muster.

III. And be it enacted, by the authority aforesaid, that the field officer attending such musters shall, and is hereby declared to have full power to hold a court martial immediately after such muster by them held at the place aforesaid, and shall hear and determine all appeals from the private musters, and all other matters and things that any militia court martial in this state have a right to determine, agreeable to the militia act in force in this state, and shall make a true return of all the precedents of said court martial to the next general muster.

IV. And be it further enacted, by the authority aforesaid, that the commanding officer shall and may order such muster to be held at least ten days before the general muster.

CHAP. LXVII. *An act for establishing fairs in the town of Wilmington, in New-Hanover county.*

I. BE it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a fair shall and may be held in the town of Wilmington, in the county aforesaid, on the fifteenth days of June and December, and that two fairs shall and may be annually held in the said town on the fifteenth days of June and December in every year, each fair to continue three days, for the sale of every kind of horses and black cattle, sheep and hogs, pork and all kinds of provision, tobacco, and every other natural production of the country, and also for the sale of all and every sort of goods, wares and merchandize, whether foreign or manufactured in this state; and that on the said fair days, and on three days next before, and three days next after each of the said fairs, all persons coming to, being at, or going from the same, together with their horses, cattle, or other effects, intended for sale, or purchased at the said fairs, shall be free and exempt from all arrests, attachments and executions, whatsoever, except for capital offences, breaches of the peace, or for quarrels or controversies that may arise during the said time in which cases process may be immediately issued, and proceedings thereupon had, in the same manner as if this act had never been made.

II. And for the trial of complaints and informations in the cases above mentioned, and also for the trial of controversies and disputed bargains arising at the said fairs: Be it enacted, by the authority aforesaid, that the county court of New-Hanover shall and may appoint three Judges (and in case of death or refusal to act of the said Judges, or either

of them, may appoint *de novo* either of whom may on application issue citations and subpoenas; and the said Judges, or any two of them, shall and may hear and determine *instantly* in all such cases, provided the demand or disputed difference in a bargain does not exceed the value of ten pounds, and shall and may issue executions, and appoint an officer or officers to execute the same.

III. *Provided always*, that if the days on which the fairs are directed to be held should happen on a Sunday, then the fair shall be held on the succeeding day.

CHAP. XLVIII. *An act for the better regulation and ease of the militia in the lower end of Hyde county.*

I. WHEREAS the distance and difficulty renders it absolutely necessary for the better regulation and ease of the militia in the lower part of the inhabitants of Hyde county, called *Aremaskeet*;

II. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act, it may be lawful for the colonel, or commanding officer of the militia of Hyde county, to cause one or more of the field officers of the Hyde militia to take a review of that part of the militia on *Aremaskeet* as often as the law directs general musters, and the said officers shall hold court-martials on the days the law directs other court-martials to be held after each general muster; and it may be lawful for the said court-martials to exercise the same powers and authorities as other court-martials held for that purpose, and not otherwise; and transmit the proceedings of the said courts to the colonel, or commanding officer of the aforesaid county, as of en as required.

III. *And be it enacted, by the authority aforesaid*, that nothing herein contained shall be construed to debar the militia of that part of Hyde county from doing their duty at private musters, as the militia law of this state requires.

CHAP. XLIX. *An act for altering the name of John Gilliard to that of John Iser.*

I. WHEREAS John Gilliard, of Craven county, in this state, the son of Priscilla Gilliard, now the wife of William Gilbert, has from the time of his nativity hitherto been called and known by the name of John Gilliard; and whereas, from special and urgent reasons, the said John Gilliard and Frederick Iser, of Craven county aforesaid, have earnestly petitioned and prayed this Assembly that the name of the said John Gilliard may be altered to the name of John Iser, by an act of Assembly for that purpose.

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the ratification of this act, the name of the said John Gilliard shall be altered to the name of John Iser, and that the said John Gilliard shall from thenceforth be called and known by the name of John Iser; and that by the name of John Iser he shall be, and is hereby enabled to take, receive, possess and enjoy, any and every devise, bequest, legacy, estate, right, title, interest and property, of, in, and to any lands, tenements, hereditaments, goods, monies, sum or sums of money, credits or chattels whatever, which shall or may be given, granted, assigned, conveyed, or made payable to him, by the said name of John Iser, in and by virtue of any last will or testament, deed, bill of sale, conveyance, bond, obligation, bill, promissory note, or other writing or assumption, of or from any person or persons whatsoever; and that by the said name of John Iser he shall and may sue and recover, and be sued and impleaded, in any action or suit, as well at law as in equity, or otherwise, and may therein plead, answer or defend, in full and ample manner, to all intents and purposes; and that by the same name of John Iser he shall and may, from the said ratification of this act, in all things whatever, be subject to the same restrictions and entitled to the same privileges, benefits and emoluments, as if he had from the time of his nativity, hitherto been called and known by the said name of John Iser, and by no other name.

II Year of the Independence. The 14th of April, 1778. First Session.

CHAP. XXVIII. *An act for appointing commissioners to build a bridge across Cotentney, and for other purposes therein mentioned.*

I. WHEREAS an act, intitled, *An act to invest the property of a bridge across Cotentney Creek in John Peacock*, his heirs and assigns, for the space of twenty five years, passed in the year one thousand seven hundred and fifty one, is ceased; and whereas the assigns of the said Peacock, the year before the expiration of the said twenty five years, rebuilt the said bridge, for the purpose of receiving toll from travellers and others passing over the said bridge, after the expiration of the said term, and hath accordingly received from the public very considerable sums of money for the soldiery and public waggons passing over the said bridge as appears from the different allowances from the Council of Safety and General Assembly for that purpose, and still continue to receive the same from individuals, so that the money received for toll since the expiration of the time hath abundantly more than reimbursed every expence attending the building the said bridge; and whereas the creek whereon the said bridge stands hath for many years past been fordable six months in the year, and in order to accumulate the toll thereof, since the expiration of the

time large trees have been fell on each side of the said bridge, to prevent fording the creek as usual; to the great injury of the public:

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and by the authority of the same,* that if the assigns of the said Peacock shall hereafter ask, demand or receive, any toll from any person or persons for crossing or passing over the said bridge, or for any waggons, carts, horses, cattle, hogs or sheep, knowingly, passing over the said bridge, such person so offending shall forfeit and pay the sum of five pounds for every toll so received, to be recovered before any Justice of the Peace by any person who shall prosecute for the same.

III. And whereas it is necessary that a bridge should be built across the said creek, for the benefit of travellers and others, and the inhabitants adjacent thereto being desirous of building the same at their own expence, provided it be free from all toll; *Be it therefore enacted,* that William Speight and Thomas Edmondson, Esqrs. be, and they are hereby appointed commissioners for erecting and building a bridge over the said creek, at the place where the said bridge now stands; and that they be empowered to take subscriptions from the inhabitants, who shall be willing to subscribe towards building the same, and to enforce the payment thereof.

IV. And for the better erecting and finishing the said bridge, *be it enacted, by the authority aforesaid,* that it shall and may be lawful for the commissioners, or the person or persons who shall undertake to build the said bridge, to make use of such timber on the lands of any person whatsoever as may be most convenient and necessary, for the said bridge, without impeachment of waste therefor.

V. And whereas the bridge built by the assignees of the aforesaid Peacock will be useful to the public until a new bridge can be erected: *Be it therefore enacted,* that the commissioners herein before named shall have full power and authority to treat with the present owners of the said bridge, and to purchase the same at such reasonable price as may be agreed on, and to apply so much of the money to be subscribed as aforesaid to the purpose of discharging such contract as they may make for the purchase of the said bridge; any thing herein contained to the contrary notwithstanding.

CHAP. XIX. *An act to prevent the stopping the fish in the Yadkin river.*

I. **WHEREAS** divers persons inhabitants near the said river have heretofore made a practice of stopping the same, by building wares, dams, or hedges, with design to catch fish whereby great injury is done to the people resident above such wares, dams, or hedges aforesaid: for remedy whereof,

II. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that from and after the ratification of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any ware dam, or hedge in the said river, so as to extend more than two thirds across the same; but that all stoppages shall be so made in the said river as to leave one third part open and free for the passage of fish.

III. *And be it further enacted, by the authority aforesaid,* that any person or persons who shall offend against this act, shall forfeit and pay, for every such offence the sum of twenty pounds; to be recovered by action of debt by any person who shall sue for the same, to his, her, or their own proper use.

CHAP. XX. *An act for securing lots in the town of Tarborough, in Edgcomb county.*

I. **WHEREAS** by an act of Assembly, passed in the year one thousand seven hundred and sixty, intitled, *an act for establishing a town on the lands of Joseph Howell, on Tar river;* it is provided that the grantee of every lot in the said town shall within three years after obtaining a conveyance for the same, erect and finish thereon a house of the dimensions therein specified; and on failure thereof, every lot whereon such house shall not be so erected, shall be revested in the directors of the said town by the said act appointed; and whereas the time limited in the said act has been found too short to compleat the buildings on the said lots; *p. 37.

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that every grantee of any lot or lots in the said town that has not been improved agreeable to the said act, is hereby declared to be the proper owner, and shall still retain his or her former title in and to such lot or lots, in fee simple, any thing in the aforesaid act contained to the contrary notwithstanding; provided such grantee shall within five years next after the passing this act erect and finish a house on such lot of the dimensions in the said act specified, or other improvements made thereon, which shall be deemed by the commissioners of the said town equal thereto.

III. And whereas the former directors and trustees for the said town have wholly declined acting, *Be it therefore enacted, by the authority aforesaid,* that Robert Bignal, Edward Hall, and Henry Irwin Toole, Esquires, Mr. James Hill, and Mr. William Renn, are hereby constituted and appointed directors or commissioners for the said town, and are hereby invested with as full powers and authorities, to all intents and purposes, as the former directors and trustees were.

IV. And as there were more lots in the said town reserved for public uses than is necessary for that purpose, *Be it therefore enacted, by the authority aforesaid,* that the said commissioners for the said town, or a majority of them, are hereby authorized, required and empowered, within eight months after the passing of this act, to sell and dispose of

at public sale all such lots, excepting two for the use of the court-house and prison, for the most they can get for the same, and make deeds of sale for the said lots to the purchasers, their heirs and assigns, and to dispose of the money so arising from such sale in paying the costs of laying out and erecting the said town, and such other necessary uses for the benefit of the said town as they, or a majority of them, shall think proper.

CHAP. XXIII. *An act to amend an act, intitled, An act for establishing a town in Mecklenburg county, passed in the year one thousand seven hundred and sixty eight.* p. 57.

WHEREAS the commissioners for said town, which is called by the name of Charlotte, were only empowered by the recited act to lay out one hundred acres into a town, and such lots so laid out being all sold, and most of them well improved by good buildings, and being well situated for inland trade, and the situation being pleasant and healthy, has induced our legislature to establish an Academy in said town, by the name of Liberty Hall; and many persons being induced thereby to settle in the said town, for the more convenient education of their children, it therefore becomes necessary to enlarge the said town, and there still remains in the hands of said commissioners two hundred and sixty acres belonging to said town; therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the passing of this act, it shall and may be lawful for the commissioners of said town to lay out eighty lots more, to be laid out as the commissioners, or a majority of them shall think most convenient, and in the same manner, and under the direction of the act above recited.

III. And be it further enacted, by the authority aforesaid, that said commissioners shall for ever hereafter account with and pay into the hands of the trustees of said Liberty Hall, all the monies that shall arise from the sale and rents of said lots, once in every year, to be applied to the use of Liberty Hall, in said town.

IV. And be it further enacted, by the authority aforesaid, that in case said commissioners, or any of them, should refuse to account for and pay all money as by this act directed, he or they so offending shall forfeit and pay the sum of five hundred pounds, to be recovered by action of debt, in any court having cognizance thereof, the one half to be applied to the use of Liberty Hall, and the other half to the person suing for the same; any law, usage or custom, to the contrary notwithstanding.

CHAP. XXVI. *An act for regulating Campbellton, and erecting public buildings.*

WHEREAS from the great increase of the trade of the village of Cross Creek within the liberties of Campbellton, the measures formerly by law established for the regulation of said town are not found conducive in its present situation to the convenience of its inhabitants: in order to prevent an easy and beneficial intercourse with the back settlement of this State, and to expedite the distribution of public justice in the courts of the county of Cumberland;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after this session of Assembly, the village of Cross Creek, and town of Campbellton, shall be united into one town, under the name of Campbellton, and shall hereafter have, hold, possess and enjoy, all rights, powers, privileges and immunities, which the village of Cross Creek, and town of Campbellton, separately, or both collectively, do now, or may at any time hereafter, have, hold, possess and enjoy.

III. And be it further enacted, by the authority aforesaid, that, Peter Mallett, Robert Cochran, Lewis Barge, Daniel Sutherland, James Patterson, George Fletcher, and Robert Rowan, be, and they are hereby appointed commissioners to lay out and regulate the said town, and to make such streets, ways and allies, as to them shall seem most suitable for persons passing to and from different parts of the said town, and convenient for waggons and other carriages driving in the said town, and liberties thereof.

IV. And be it further enacted, by the authority aforesaid, that the said commissioners, after having laid out the said town in manner as they are heretofore empowered, shall view and value on oath all houses, tenements and improvements, which shall interfere, or be in the way of the streets laid out as aforesaid, and may remove, or cause the same to be removed; and the damage which shall from thence accrue to the owners of such houses, tenements or improvements, shall be paid to the owners thereof by a tax, to be imposed on the inhabitants of the said town in manner herein after directed.

V. And whereas there are several lots which were laid out in the original plan of Cross Creek which have not yet been purchased of the original proprietors, and others which have been purchased, but not improved, or the improvements hitherto made of inconsiderable value; and as it may be for the advantage of the said town that the streets should be run through such lots, or lands adjoining such lots; Be it therefore enacted, by the authority aforesaid, that the said commissioners, or the majority of them, shall cause a valuation to be made of all the lots or lands through which it may be most proper to run the said streets, or so much of them as may be thereby injured, and the proprietors thereof shall be paid accordingly by a tax, to be imposed by the said commissioners upon the inhabitants and owners of houses or lots in the said town, not exceeding the sum of five shillings in each year, for every hundred pounds such inhabitant or owner of houses or lots shall be assessed for their property in that part of the town called Cross

Creek, and five shillings on all taxable persons, inhabitants of said town, who are not possessed of property of one hundred pounds value; to be levied, collected, and accounted for, in the same manner as the taxes directed to be collected for levying a tax by general assessment, and other purposes; which said tax so collected shall be paid into the hands of the commissioners, or a majority of them, and by them shall be applied to the purpose before mentioned.

VI. And be it further enacted by the authority aforesaid, that the said valuation shall be by six freeholders, three of whom shall be of the said commissioners; the other three shall be nominated by the person owning the lot or land which is the subject of valuation. *Provided always*, that the persons so nominated by the proprietors shall be freeholders and inhabitants of the town, or within four miles thereof.

VIII. And be it further enacted by the authority aforesaid, that the inhabitants of said town shall be exempt from working upon the public roads, but shall work upon the streets of said town, under the direction of the commissioners, two days in every month, if so much shall be required, and no more; and such persons shall be compellable to work, as would have been obliged to have worked on the public roads, had this law never been made, and shall be subject to the same penalties, and to be recovered in the same manner, in case of failure.

IX. X. XI. XII. XIII. XIV. *Obsolete.*

XV. And be it further enacted, by the authority aforesaid, that the trustees in this act named, or the majority of them, be, and are hereby empowered to expose to sale, first giving twenty days notice, the lot whereon the Court-house now stands; and also the lot whereon the gaol formerly stood, and the money arising by such sale to be applied towards building the Court-house.

XVI. And whereas the owners of lots in that part of the town of Campbellton laid out by act of Assembly in the year one thousand seven hundred and sixty-two, have never yet got titles for the said lots, owing to the neglect of the commissioners formerly appointed for that purpose: *Be it therefore enacted by the authority aforesaid*, that the trustees in this act named, or the majority of them, are hereby empowered to grant, convey and acknowledge, to the person or persons owning the same, and his heirs and assigns, for ever, in fee simple. *Provided always*, that if any lot or lots shall be granted by the said commissioners to any person or persons whatsoever, who shall not within five years build a good, substantial, habitable framed house, not of less dimensions than twenty feet in length, and sixteen feet wide, exclusive of sheds, or make such preparation for so doing as the commissioners, or the majority of them, shall on view think reasonable, such grant or conveyance shall be void, and it is hereby declared void and of none effect, as if the same had never been made; and the commissioners may grant and convey such lot or lots, which shall not be built on within the time, and in the manner as herein before directed, to any other person or persons applying for the same, and paying three pounds for the use of the original proprietor.

XVII. And be it further enacted by the authority aforesaid, that no hog or hogs be permitted to run at large in the said town, but that such hog or hogs found running at large at the expiration of three months after the passing of this act, may be destroyed by any person who will undertake to do the same, and not be subject to any prosecution at law whatever, any law or custom to the contrary notwithstanding. *misnumbered*

III Year of the Independence. The 19th of January, 1779. Third Session.

CHAP. XVII. An act to enable the inhabitants of a tract of land lying in Mecklenburg county, known by the name of Governor Dobbs's tract, No. five, to make entries thereof, and obtain titles for the same.

WHEREAS Abner Nash, Esquire, obtained a judgment in Halifax Superior court against Edward Brice Dobbs and Conway Richard Dobbs, heirs at law of the late Arthur Dobbs, Esquire, Governor of North Carolina, for the sum of three thousand five hundred pounds, proclamation money, to satisfy which an execution issued from the said court April Term, one thousand seven hundred and seventy-eight, against the estate of the said defendants, directed to the sheriff of Mecklenburg county, who by virtue thereof levied the same on a certain tract of land in the said county, known by the name of Governor Dobbs's tract, No. five, formerly containing one hundred thousand acres, and exposed the same to sale, when certain of the inhabitants thereof reprieved the said land, and satisfied said debt, with the costs; and whereas by an act of the General Assembly, passed December the twenty-fourth one thousand seven hundred and seventy-seven, all property and estates belonging to such persons therein described, who fail to comply with the requisites thereof, were, and are by the said act confiscated to the use of this state: and whereas the inhabitants of said land have preserved the same for the use of the state, which otherwise would have been private property, it is just and reasonable that they should be intitled to obtain grants thereof in fee from this state.

II. *Be it enacted by the General Assembly of North Carolina, by and with the authority of the same*, that all such inhabitants who have actually paid money to satisfy and discharge said judgment and execution as aforesaid, shall have the preference of all other persons to enter said lands on which are their improvements, and obtain grants for the same, according to the rules and directions of the said Assembly for establishing offices for receiving entries of claims for lands, &c. provided such entry or entries, or caveat of the same, be made and entered with the entry taker of the county before the first day of June, one thousand seven hundred and seventy-nine.

III. And be it further enacted, by the authority aforesaid, that no entry of said land shall extend to include any other

improvement than that for which the entry was made, and which was in possession of, or claimed by another person, before the first day of January, one thousand seven hundred and seventy eight; and where disputes shall arise between party and party, with regard to the right of improvement, occupancy or boundary, the same proceedings and trial thereof shall be had, as by the said act and this is directed.

IV. And be it further enacted, by the authority aforesaid, that such persons entering said lands, who have not contributed their share of money in satisfying the said judgment and execution, shall advance to the entry taker twelve pounds, ten shillings for every hundred acres by them so to be taken up and entered; to be applied to the use of the state, and accounted for by said entry taker as in said act directed.

V. Provided, that no person or persons shall be intited to enter any of the aforesaid lands, but those who now are the inhabitants of, and living on the said tract. Provided also, that no one person shall be intited to enter for, and obtain a grant for more than for hundred and forty acres.

CHAR. XXV. An act for the regulation of the town of Newbern, and for other purposes therein mentioned.

WHEREAS it is become necessary, that sundry laws passed before this declaration of independency, for settling and regulating the town of Newbern, from the change of government, should be amended and continued;

IT is therefore enacted, by the General Assembly of the State of South Carolina, and it is hereby enacted by the authority of the same, that an act of Assembly, passed at Edenton the twenty third of November, one thousand seven hundred and twenty three, intitled, *An act for the better settling the town of Newbern, in the precinct of Craven*, and that the twelfth and thirteenth sections of an act of Assembly, passed at Edenton the twenty first day of August, one thousand seven hundred and forty, intitled, *An act to enable the commissioners herein after mentioned, to erect and finish a church in Newbern, in Craven county and parish, in the province aforesaid, and for the better regulation of the said town, and other purposes therein mentioned*, and that an act of Assembly, passed at Newbern the twenty seventh of September, one thousand seven hundred and fifty one, intitled, *An act to confirm four lots in Newbern town, lately conveyed to the commissioners for public buildings, for the use of the public for ever*, and also the sixth, seventh, eighth, ninth, tenth, eleventh, eighteenth, and nineteenth sections of an act of Assembly, passed at Newbern the thirtieth day of September, one thousand seven hundred and fifty six, intitled, *An act for the better regulation of the town of Newbern, and for securing the titles of persons who hold lots in the said town*, and also one other act of Assembly, passed at Newbern the nineteenth day of November, one thousand seven hundred and seventy one, intitled, *An act for amending an act for the better regulation of the town of Newbern, and for securing the titles of persons who hold lots in the said town*, shall be, and are hereby confirmed, and continued in force and use, and shall be received as evidence in any court of law or equity where suits may be hereafter commenced for recovery of any lot or lots within the said town, where the titles of such lots may come in question, by any person or persons having a legal claim, and instituting his, her, or their suit for recovery thereof.

III. And be it further enacted, by the authority aforesaid, that the books in which the proceedings of the commissioners were entered, by themselves, or their clerk of the town, respecting the elections of commissioners, laying taxes, granting and conveying lots, entries of lots, certificates granted, certifying that the same lots had been built on as the law required, and expressed in their commissioners deed, and also the book of entries in which the first entries were made by the treasurer of the town, for all lots to be granted, that the said books, and all the legal proceedings and acts of the commissioners therein entered, agreeably to the acts of Assembly above recited, shall be, and are hereby confirmed, and shall be received as evidence in any court of law or equity, where the titles of lots may come in question.

IV. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the freeholders and freemen within the town of Newbern to meet at the court-house in the said town on the second Tuesday in May next, and there to elect by ballot five freeholders of the said town to be commissioners of the same; and the sheriff of Craven county or his deputy, is hereby required to attend on the same day, at the hour of ten o'clock in the morning, open the poll, and be provided with a small box, into which the tickets shall be put, in the presence of two inspectors and the returning officer, and each inspector, shall take down in separate lists the names of every person voting, and when the election shall be finished, the returning officer and inspectors shall, in presence of such of the electors as may choose to attend, open the box, and number the ballots, at the same time reading aloud the names of the persons who shall appear in each ticket; and if there shall be two tickets rolled up together, or if any ticket shall contain the names of more than five persons, in either of these cases, it shall not be numbered in taking the ballots, but shall be adjudged void; and in like manner the said sheriff, or his deputy, first giving ten days notice, shall on the second Tuesday in May annually open the poll, receive the votes, and proclaim the commissioners for the ensuing year, under the penalty of one hundred pounds lawful money of this state for every neglect or refusal of complying with the directions of this act; to be recovered from the said sheriff by action of debt, bill, plaint or information, in any court of record in this state, by any person or persons who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other half to be paid to the treasurer of the town for the use of the said town, to be applied by the commissioners towards the contingent charges of the town; and the commissioners so chosen and elected, and their names being entered on the journals of the said town, shall, before they enter upon the execution of their office, take the oath of allegiance to the state before some Justice of the Peace, and also the following oath, viz.

*P. 4. tp. 7. IN. C. L. 1751. B. p. 147. pp. 23, pp. 63.

I A. B. do swear, that I will execute the office of a commissioner for the town of Newbern faithfully, and to the utmost of my power in all things act for the good of the said town, and the well governing thereof, to the best of my skill and judgment, agreeable to law.

SO HELP ME GOD.

Which said commissioners, after they have been so sworn, shall proceed to choose one out of their own number to be treasurer of the said town for that year, into whose hands all monies arising or becoming due to the said town shall be paid, and there kept until otherwise disposed of for the benefit and improvement of the said town, as the said commissioners, or a majority of them, shall direct.

V. And be it further enacted, by the authority aforesaid, that the said treasurer, before he enters upon the execution of his said office, shall take the oath of allegiance to the state before some Justice of the Peace, and shall give bond, with two sufficient securities, in the sum of one thousand pounds lawful money of the state aforesaid, to the commissioners of the said town, and their successors, for the faithful discharge of his office, and accounting for and paying all monies which may come into his hands, when called upon by the succeeding treasurer or commissioners; which bond the said commissioners are hereby authorized and empowered to take.

VI. And be it further enacted, by the authority aforesaid, that the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who before he enters upon the execution of his office, shall take the oath of allegiance to the state, and enter into bond to the commissioners of the said town, and their successors, with two sufficient securities, in the sum of five hundred pounds lawful money of this state, for the due and faithful execution of his office, and the trust reposed in him for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office; and the said clerk is hereby authorized and required to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers, belonging to the said town, which were in the care and possession of the former commissioners; to which books, journals and papers, all persons shall have free access, on paying two shillings, under the penalty of forty shillings for every refusal.

VII. And be it further enacted, by the authority aforesaid, that if any of the said commissioners, before the next annual election, should die, remove out of the county, or refuse to qualify, the remaining commissioners shall elect and choose others in the room and stead of those dying, removing, or refusing to qualify, as aforesaid; which said commissioners so chosen and qualifying, by taking the oaths as aforesaid, shall have the same powers as the other commissioners have by this act.

VIII. And for the better determining who shall be qualified to be elected as a commissioner of the town, be it enacted, that no person shall be deemed qualified to act as a commissioner of the town of Newbern, unless he hath a lot of land therein, with a house on the same, of no less dimensions than twenty four feet long and sixteen wide, with a brick chimney to the same, in his own right in fee, and who shall have beside a visible estate of at least one hundred pounds lawful money.

IX. And be it further enacted, by the authority aforesaid, that the commissioners and inhabitants shall have free liberty to hold all their public meetings, on all occasions, in the court house of the said town; and that from and after the passing of this act, it shall and may be lawful for the commissioners of Newbern, or a majority of them, to meet at the court-house aforesaid some time in the month of May or June annually; and when met shall proceed to nominate and appoint one of their number to receive a list of taxable property for the year ensuing, and give public notice thereof, by advertisement, to the inhabitants of the said town, to appear before such commissioner so appointed, and give in upon oath a list of his, her, or their taxable property, which they may own or possess in their own right, or as an executor, administrator, guardian, &c. in the said town, which oath the said commissioner is hereby authorized and empowered to administer; and the person or persons who shall neglect or refuse to give in his, her, or their list, in manner and form aforesaid, within twenty days after notice given as aforesaid, shall forfeit and pay the sum of forty shillings for each and every neglect, and also shall be liable to pay a double tax for that year, and the commissioner so appointed to receive the list of taxable property, is hereby required to return the said list by him taken to the commissioners, or the treasurer of the town without delay; and the commissioners are also required, as soon as convenient, to set up a copy of such lists at the court-house in the said town every year, and that the clerk of the said town shall enter a fair copy thereof in the journals of the commissioners, under the penalty of fifty pounds for every neglect or refusal; to be recovered by action of debt, in the interior court of Craven county, by any person who will bring suit for the same, one half to the prosecutor, and the other to the commissioners, for the use of the town.

X. And be it further enacted, by the authority aforesaid, that if the commissioners of the said town shall neglect or refuse to nominate and appoint annually one of their number, agreeable to the directions of this act, to take the said list of taxable property as aforesaid, they shall forfeit and pay the sum of fifty pounds lawful money; to be recovered by action of debt, in the interior court of Craven county, by any person who will bring suit for the same, one half to the prosecutor, and the other half to the use of the town; and the commissioners of the said town, or a majority of them, are hereby authorized and empowered, sometime in the month of July annually, to lay any tax, not exceeding four shillings, on each hundred pounds value of all the taxable property in the said town, for the purpose of defraying the contingent charges thereof; and the said commissioners, or a majority of them, are also empowered and required, some time in the month of July annually, to appoint three freeholders of the said town to assess the value

of the taxable property therein; which assessors are hereby required to assess the same in the manner, and under the rules and restrictions, as directed in an act of Assembly for assessing taxable property, and collecting public taxes, &c.

XI. *And be it further enacted, by the authority aforesaid,* that the commissioners, or a majority of them, shall annually, at the time of laying the town taxes, nominate and appoint a proper person to collect the same, to whom shall be delivered a fair copy of the list of taxable property; and assessment taken for that year, agreeably to this act; and the person so appointed, before he enters upon the execution of his office, shall before some Justice of the Peace in Craven county, take the oath of allegiance to the state, and enter into bond, with sufficient security, in the sum of five hundred pounds lawful money of this state, to the commissioners of the town, and their successors; and in case the person so appointed shall refuse to serve, or fail to give security as aforesaid, the said commissioners shall and may proceed to nominate and appoint any other person who may be willing to act, and enter into bond with security in manner as aforesaid; and the collector so appointed shall, and is hereby empowered, directed and required, to collect the said taxes, and pay the same to the treasurer of the said town, on or before the tenth day of October in every year, after deducting four per centum commissions for his trouble in making the said collection; and if any such collector shall neglect or refuse to account for on oath, and pay the several taxes wherewith he is chargeable according to the directions of this act, after deducting his commissions, it shall and may be lawful for the superior court of Newbern district, or the inferior court of Craven county, on motion of the commissioners, or the majority of them, or on motion of the treasurer of the town on their behalf, to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town, with costs of suit, and thereupon to award execution against the body, or against the goods and chattels, lands and tenements, of such collector, and his securities. *Provided always,* that the collector shall have ten days previous notice of such motion.

XII. *And be it further enacted, by the authority aforesaid,* that if the inhabitants of the said town, or others, being liable by this act, shall neglect or refuse to pay the said tax on or before the tenth day of September in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offenders goods and chattels, and shall take and receive for his trouble thirty shillings for each distress, and no more; and after deducting the taxes due, and fee for distress, the overplus of the goods and chattels sold shall be returned to the owner.

XIII. *And be it further enacted, by the authority aforesaid,* that the commissioners of the town so chosen, and being qualified agreeable to the directions of this act, shall be, and are hereby incorporated into a body politic and corporate, by the name of the commissioners of Newbern, and by that name to have annual succession, by the election of the freeholders and freemen of the said town, as by this act is before directed, and a common seal; and that they, and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess and retain, to them and their successors, for ever, in trust and confidence for the said town, any lands, rents, tenements and hereditaments, of what kind, nature, or quality soever; and also to grant, sell, demise, alien, or dispose of the same, also to receive and take any gifts or donations whatsoever to the said town; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever; and from time to time, and at all times hereafter, under their common seal, to make such rules, orders, regulations and ordinances, as to them shall seem meet, for repairing the streets, erecting public wharfs, appointing market places, and regulating the same, erecting public pumps, and keeping in repair those already erected, appointing town watches or patrols, and making proper allowances for such services, and for all such other necessary ordinances, rules and orders, which may tend to the advantage, improvement, and good government of the said town; and the same rules, regulations and ordinances, from time to time to alter, change, amend or discontinue, as to the said commissioners, or a majority of them, shall appear necessary, and best answer the purposes intended for regulating and governing the said town; and also shall have full and ample power to force a compliance and observance to such necessary regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding the sum of five pounds current money for every refusal or neglect; to be recovered by warrant under the hand and seal of some Justice of the Peace of the county of Craven, directed to the sheriff, deputy sheriff, or town constable, to summon such delinquent to appear before such Justice at a certain day mentioned in the said warrant, and on conviction, the said Justice is hereby required to give judgment and award execution, which the said officer is hereby required to execute, by distress and sale of the offenders goods and chattels; which fine when levied and received, shall be paid into the hands of the treasurer of the town, who is to receive the same as part of the common stock of the town, and by him to be accounted for; and the commissioners, or a majority of them, are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid into the treasury of the said town by virtue of this act, as they shall think most for the good of the said town.

XIV. *And be it further enacted, by the authority aforesaid,* that the commissioners shall provide a book, in which an account shall be kept of all monies by them received and expended, and once in every year a transcript therefrom shall be by the commissioners made out, and set up in the court-house, for the satisfaction of the inhabitants of the said town, under the penalty of twenty pounds lawful money of this state for every neglect or refusal; to be recovered in the inferior court of Craven county, by any person who shall sue for the same, by action of debt, bill, plaint, or information, one half to him or them who shall sue for the same, the other to the benefit of the town, to be paid to the treasurer thereof.

XV. Whereas at an Assembly, begun and held at Newbern the nineteenth day of November, one thousand seven,

hundred and seventy one, an act was passed, intituled, *an act for amending an act, intituled, an act for the better regulation of the town of Newbern, and for securing the titles of persons who hold lots in the said town*, which said recited act directed and required the commissioners of the town of Newbern to lay out a street in the said town from the north side of Pollock street, at right angles with the east and west corners of the north front of the Palace to the street called Eden-street, from Pollock-street northward, be thenceforth discontinued; and that the said commissioners, after having so laid out the said George-street, and set up marks at the corners of the several squares in the said town, shall make, or cause to be made, a fair and accurate plan of the said town. And whereas the commissioners did proceed in virtue of the said act of Assembly to lay out the said street called George-street, and have also made a fair and accurate plan of the said town, with proper descriptions, and set up marks at the corners of the several squares, as the above recited act directs, which plan, and one copy thereof made on parchment, have been laid before this present Assembly: for confirmation thereof, *Be it enacted, by the authority aforesaid*, that the said plan shall ever hereafter be deemed the true plan of the said town, and shall be lodged in the registers office of the county of Craven, and one copy thereof lodged with the clerk of the said town, by him to be safe kept, and that all persons may have free access thereto on paying of two shillings for each inspection; and if the said clerk should refuse or neglect to shew the said plan to such persons as shall require the same, on paying the fee aforesaid, he shall for every such refusal or neglect forfeit and pay the sum of forty shillings, to be recovered by the party requiring the same, by a warrant before a Justice of the Peace with costs.

XVI. And in order to ascertain the true beginning, *be it further enacted*, that the south west corner of the church, lot number sixty-six, where stands a stone fixed in the ground, so as to make the course from the corner of the church above the water-table of the same to bear south sixty-two degrees west, twenty-eight feet nine inches, to the said stone, which shall for ever hereafter be deemed the proper beginning of the plan of the said town.

XVII. *And be it further enacted, by the authority aforesaid*, that in case any part of the houses, fences, or other improvements, belonging to any of the inhabitants of the said town, shall appear to be in the streets of the said town, or any part of the lots of other inhabitants thereof, occasioned by running the streets agreeable to the aforesaid plan; then, and in that case, the proper owner of any such houses, fences, or other improvements, shall and may have his option, either to remove such improvements, or to use, occupy, or possess the same, as heretofore. *Provided*, all such owners shall not amend or repair such fences, any thing in this act to the contrary notwithstanding.

XVIII. And whereas by an act of Assembly, passed at Newbern the fifth day of December, one thousand seven hundred and sixty-seven, intituled, *An act for investing certain lots in the town of Newbern in his Excellency the Governor, and his successors*†, in the fifth section of the said recited act it appears that part of the Front-street, from Metcalf to Eden-street, being the south front of the Palace, was then vested in the Governor, which has been prejudicial to many of the inhabitants of the town, by means of that part of the street being stopped, which obstruction has been much complained of, for remedy whereof, *be it enacted, by the authority aforesaid*, that it shall and may be lawful for the commissioners of the town, or a majority of them, to cause that part of front street, which by the said recited act was vested in the Governor, to be again opened for the benefit of the public, in the same manner as any other street of the town, any law to the contrary notwithstanding; and that so much of the said recited act as comes within the purview of this act, is hereby repealed and made void. *Provided always*, the moving the fence from the south-side of the street to the north-side, on the bounds of the Palace square, shall be done at the proper cost and charges of the town by the commissioners.

XIX. *And be it further enacted, by the authority aforesaid*, that all that part of the front of the town of Newbern aforesaid, commonly called Union Point front, beginning at the angle made by the intersection of the south side of Front street of Trent river, and the east side of Front street of Neuse river, running with Front street easterly to the channel of Neuse river, then down Neuse river channel to the mouth of Trent river channel, then with Trent river channel to the easternmost side of Front street, then with said street to the beginning, shall be, and is hereby vested in the commissioners of the said town of Newbern to be elected in virtue of this act and their successors, for ever, to and for the use of the said town; and that the said commissioners, or their successors, for ever, shall and may take and receive the rents, issues, and profits of the same, for the use of the said town, and to and for no other use, intent or purpose, whatsoever. *p. 63. †N. C. L. 1767, 4, p. 231.

CHAP. XXVI. *An act to lay off and establish a town near Chatham court house on the plantation and land formerly the property of Ambrose Edwards, now entered in the land office by Ambrose George, in said county.*

I. WHEREAS representation hath been made to the General Assembly, that the inhabitants of Chatham county are very desirous of having a town laid off and established on the said plantation and land, being a healthy, pleasant situation and well watered, which from the many neighbouring inhabitants and rich and extensive settlements would be a very proper and convenient place for that purpose, was the same established by lawful authority, which would encourage merchants, traders and artificers to become settlers therein, and thereby would greatly promote an inland trade, greatly to the benefit of the western inhabitants of this state.

II. *Be it therefore enacted by the General assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, that two hundred acres of the said land including the plantation aforesaid, be laid out for a town

and town common, and be established by the name of *Chatham*, and that *Jeduthan Harper, Edmund Waddel, Matthew Jones, Mial Scurlock, James Williams, and John Ramsay*, from and after the passing of this act, be, and are hereby appointed and constituted commissioners and trustees for laying out, building and carrying on the said town, and they, or a majority of them shall, so soon as may be after the passing of this act, cause the said two hundred acres of land to be laid off into two hundred lots of half an acre each with convenient streets, and the remainder to be reserved as a town common for the use of the said town, and that a majority of the said commissioners and trustees shall have full power and authority to meet as often as they shall think necessary, and cause a plan of the said town to be made, and therein mark or number each lot in the several squares thereof; and from and after the passing of this act, they, and each of them shall have full power to take subscriptions for the said lots, of such persons as shall be willing to subscribe for the same, and when the said town shall be fully subscribed for, the said commissioners shall appoint a day and give public notice thereof for the drawing of the said lots, which shall be done by ballot in a fair and open manner by the direction, and in the presence of a majority of the said trustees, and such subscriber shall be entitled to the lot which shall be drawn for him and correspond with the mark or number contained in the plan of the said town, and the said commissioners are hereby empowered to grant good and sufficient titles in fee simple to the said lots at the cost of each subscriber. *Provided nevertheless*, that every grantee, his heirs or assigns, of any lot in the said town so conveyed shall within five years next after the date of the conveyance of the same, erect, build and finish on the said lot so conveyed, one brick, stone, or well framed house of the dimensions of twenty feet long and sixteen feet wide, and ten feet pitch in the clear at least, with a brick or stone chimney, and if the owner of any lot shall fail to comply with the directions herein prescribed, for building and finishing a house thereon, then such lot upon which such house shall not be built and finished as aforesaid shall be vested in the said commissioners and trustees, and they or a majority of them shall and are hereby authorized to sell (on public notice first given) such lot to the highest bidder, to whom shall be granted and conveyed such lot, under the like regulations and restrictions as the same was before granted, and the money arising from such sale to be applied by the trustees aforesaid or a majority of them for the benefit and improvement of the said town.

III. *And be it further enacted, by the authority aforesaid*, that each respective subscriber for any lot in the said town, shall at the time of drawing for the said lots pay into the hands of the said commissioners, the sum of ten pounds and one dollar, and the said commissioners are hereby directed to pay to the present proprietor the said sum of ten pounds for each lot drawn for, at the time the said proprietor relinquishes his title to the same, and that the dollar to be paid on each lot kept in the hands of the said commissioners to pay the contingent charges of laying off and erecting the said town.

IV. *Be it enacted, by the authority aforesaid*, that in case of the refusal, death or removal out of the county of any of the said commissioners, the surviving commissioners and trustees, or a majority of them assembled together, shall and are hereby empowered to appoint from time to time by instrument in writing under their hands and seals, some other person being a freeholder in the said town and county, in the place of him so refusing, dying or removing out of the said county, which said instrument of writing shall be recorded in the county court and registered in the registers office, which new trustee so appointed, shall thenceforth have the like power and authority in all matters and things herein contained, as if he had been expressly named and appointed by this act.

CHAP. XXIX. *An act for establishing an Academy in the neighbourhood of Hillsborough.*

I. **W**HEREAS the proper education of youth in this state is highly necessary, and would answer the most valuable and beneficial purposes to this state, and the good people thereof; and whereas the neighbourhood of *Hillsborough*, from the healthiness of its situation, and the great plenty of provision, with which it abounds, is a fit and proper place to erect a seminary; and whereas a number of gentlemen have, in order to promote and encourage such a valuable and beneficial establishment as the erecting of a seminary at the place aforesaid, subscribed very considerable sums, which, together with what sums may be subscribed, will be sufficient to answer all the expences attending the same;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that *William Hopper, Alexander Martin, John Kinchen, Thomas Burke, Thomas Hart, Nathaniel Rochester, James Hogg, William Johnston*, Esquires, and the reverend Mr. *Frazier*, be and are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies which have already been subscribed, or which shall be hereafter subscribed for the purpose of erecting a seminary in the neighbourhood of *Hillsborough*, and to ask for and demand of the several subscribers all sums by them respectively subscribed and in case of refusal by any of them to pay the same, to sue for and recover by action of debt, in the name of the said trustees, the sum which the person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the said monies, when by them collected and received, to be applied to the uses and purposes herein mentioned, viz. that the said trustees, or a majority of them, shall immediately after the ratification of this act, meet in the town of *Hillsborough*, and make choice of some convenient and suitable place in the neighbourhood of said town to erect the aforesaid seminary, and to contract for and purchase the same, after such purchase made, to employ persons to build suitable and convenient houses, to contract with and employ tutors, and to perform every act or acts, thing or things, which they shall think necessary for the advancement and promotion of the said seminary.

III. *And be it further enacted, by the authority aforesaid, that the seminary shall be, and it is hereby declared to be an Academy, by the name of Science-Hall.*

IV. *And be it further enacted, by the authority aforesaid, that the said trustees of the Academy of Science-Hall shall be, and are hereby declared to be invested with the same rights, powers, privileges and immunities, to all intents and purposes whatsoever, as the trustees of the Academy of Liberty-Hall are invested with, by an act of General Assembly of this state, passed at Newbern on the eighth day of April, one thousand seven hundred and seventy-seven, intituled, An act for incorporating the president and trustees of Liberty-Hall, in the county of Mecklenberg* : and the said Academy shall be, and is hereby declared to be under the same rules, regulations and restrictions, as the said Academy of Liberty-Hall is by the said act. *p. 75.*

CHAP. XXX. *An act to invest the property of a bridge or causeway in Gideon Lamb, his heirs or assigns, (by him already built through the great Dismal Swamp, from Lebanon to Cambden county) for the term of twenty five years.*

I. **W**HEREAS a bridge or causeway through the great Dismal Swamp, from Lebanon to Cambden county, is much for the convenience of travellers, and of public utility, and Gideon Lamb having already built one at a considerable expence, only aided by a small subscription of the adjacent inhabitants, who content and petition that he should be allowed the privilege of taking and receiving from travellers (foot passengers excepted) such rates as the courts of Pasquotank or Cambden county shall, from time to time, direct for crossing Relfe's ferry ; and petitioning to be invested with the sole property of the said bridge or causeway for the space of twenty-five years.

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said Gideon Lamb, his heirs, or assigns, to keep a sufficient gate on the bridge or causeway built by him through the great Dismal Swamp, from Lebanon to Cambden county, and take and receive from all persons that shall pass over the same (foot passengers excepted) such rates as the courts of Cambden and Pasquotank counties shall direct, to be paid at the same time by passengers crossing Pasquotank river, at Relfe's ferry, being the same distance, for and during the space of twenty-five years and no longer.*

III. *And be it further enacted, that during the time the said bridge or causeway shall be kept in sufficient repair, and fit for travellers and carriages to pass and re-pass the same, it shall not be lawful for any person whatsoever to build any bridge or causeway, or set any person or persons, carriage or carriages, cattle, hogs, or sheep, over the said Swamp, for fee or reward, within one mile of the said bridge or causeway, during the time aforesaid, under the penalty of fifty pounds, proclamation money, for each and every offence ; to be recovered by the said Gideon Lamb, his heirs, executors, administrators or assigns, in any court of record in the said state, to be applied to the use of the proprietor of the bridge built by the said Gideon Lamb ; and during the said time, the right and property of the said bridge or causeway is hereby invested in the said Gideon Lamb, his heirs, executors, administrators or assigns.*

IV Year of the Independence. The 18th of October, 1779. Second Session.

CHAP. XIV. *An act for establishing fairs in Halifax town and Edenton.*

I. **B**E it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that fairs shall and may be held in the said towns of Halifax and Edenton twice in every year, viz. on the first Thursday in May and the first Thursday in November in the town of Halifax, and the second Thursday in May and November in Edenton, each fair to continue for three days, for the sale of every kind of horses, black cattle, sheep and hogs, pork, and all kinds of provision, tobacco, and every other natural production of the country, and also for the sale of all and every sort of goods, wares and merchandize, whether foreign or manufactured in this state ; and that on the said fair days, and on three days next before, and three days next after each of the said fairs, all persons coming to, being at, or going from the same, together with their horses, cattle, or other effects, intended for sale, or purchased at the said fairs, shall be free and exempt from all arrests, attachments, and executions whatsoever, except for capital offences, breaches of the peace, or for quarrels or controversies that may arise during the said time, in which cases process may be immediately issued, and proceedings thereupon had in the same manner as if this act had never been made.

II. *And in order to prevent frauds and impositions in the sale of blooded horses, be it enacted, by the authority aforesaid, that the Judges of the said fairs respectively herein after mentioned, shall appoint registers for the same, who shall take an oath for the faithful discharge of their duty ; and every person who shall bring a blooded horse, mare or gelding, to the said fairs, or any of them, for sale, shall deliver in writing to the register of the fair a certificate of the owner and vender's name, and the colour, age and blood, of such horse, mare or gelding, all which shall be entered by the said register in a book to be by him kept for that purpose ; and he shall also safely keep all such certificates, that recourse may be had to originals if necessary : and if any person shall sell, or offer for sale, any blooded horse, mare or gelding, in the said town of Halifax or Edenton, during the time of the said fairs, without first delivering in a certificate as aforesaid to the register, the person so offending shall forfeit and pay one tenth part of the value of such horse, mare or gelding, one half to the use of the informer, the other half to the purchaser, where an*

actual sale has been made, but where there has been no sale, the whole to the use of the informer; to be recovered on complaint or information, as is herein after directed: and if any person shall wilfully deliver in to the register a false certificate of the age or blood of any horse, mare or gelding, and shall sell the same, such person, on proof made, shall forfeit and pay one fifth part of the value of such horse, mare or gelding, to the use of the purchaser, to be recovered on complaint or information, as herein directed; and the person so convicted shall never after be permitted to sell any blooded horse, mare or gelding, at any of the said fairs.

III. And for the trial of complaints and informations in cases above mentioned, and also for the trial of controversies and disputed bargains arising at the said fairs: *Be it enacted, by the authority aforesaid*, that five judges shall be appointed for the fairs in *Halifax*, viz. *John Webb, Henry Montfort, Groendates Davis, Charles Pasteur, and John Gaddy*, and five judges for the fairs in *Edenton*, viz. *Thomas Benbury, Samuel Johnston, Joseph Hewes, Michael Payne, and Robert Smith*, either of whom may, on application, issue citations and subpoenas, and nominate persons to execute the same; and the said Judges, or any three of them, in their respective jurisdictions, shall and may hear and determine *instantly* in all such cases, and shall issue executions, and appoint an officer or officers to execute the same and exercise all the powers incident to a court of pie powder.

IV. *And be it further enacted, by the authority aforesaid*, that any person may have recourse to the register book, and the register shall and may receive for entering every certificate one dollar, for every search half a dollar, and for copy of a certificate one dollar; and the officer or officers appointed by the said judges to serve or execute process, shall have the same fees and commissions as by law allowed to sheriffs in the like cases.

V. *And be it further enacted, by the authority aforesaid*, that the county court of *Halifax* shall at all times have power to fill up vacancies which may happen among the judges of the fairs in *Halifax*, by death, removal, or refusal to act; and the county court of *Chowan* the like powers with respect to the judges of the fairs in *Edenton*; and the judges so appointed shall have the same powers and authorities, as if they had been nominated and appointed by this act.

CHAP. XV. *An act to invest the title of certain lands therein mentioned in Abner Nash, Esquire, and other purposes.*

I. WHEREAS it hath been made appear, to the satisfaction of the General Assembly, that *Abner Nash*, of the county of *Jones*, is justly intitled to one third part of a certain tract of land, lying and being in the county of *Orange*, containing five thousand acres, the same being a tract of land late the property of *Richard Augustus Lathbury*, and sold to *Edmund Fanning*, in behalf of himself, *Thomas Hart*, and the said *Abner Nash*, by the sheriff of the said county of *Orange*, to satisfy a judgment and execution obtained in the superior court of *Halifax* by a certain *Richard Bridger*; and the said *Edmund Fanning*, who owed allegiance to this state, having departed the same, and joined the enemies of the United States, whereby his property hath by the laws of this state become forfeited to the same; and it being reasonable that the said one third part of the said land should be protected from confiscation, and secured to the said *Abner Nash*:

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that *Thomas Taylor, John Kinchen, and John Eastice*, or any two of them, be, and they are hereby appointed commissioners for the laying out and ascertaining unto the said *Abner Nash* his one third part of the said tract of land, regard being had to the quantity and quality of the same; and thereupon that they, or any two of them as aforesaid, shall execute unto the said *Abner Nash* a good and sufficient deed of conveyance for the same; all which proceedings, at the proper cost and charges of the said *Abner Nash*, when had and done, shall be deemed sufficient in law to vest in him all the right and title which this state hath, or may have acquired in and to the same, by confiscation, forfeiture, or otherwise, any law to the contrary notwithstanding.

III. And whereas also it has been made appear, to the satisfaction of the General Assembly, that *Thomas Burke*, of the county of *Orange*, is justly intitled to a certain tract or parcel of land situated in the said county of *Orange*, on both sides of *Little river*, beginning at a hickory and red oak on the east bank of the river, a corner of *John Pilkerton's*; thence crossing the river with *McCallister's* line, west thirty-eight chains, to a red oak sappling; thence along his line, south four chains and an half, to a black oak; thence along his line, west forty chains, to a red oak; thence along his line, north seven chains, to a hickory sappling on *Joseph Allison's* line; thence along his line, west nine chains, to a hickory sappling, corner of *William Ray's* land; thence his line south, crossing the river three times, to wit, at eleven chains, at eighteen chains, and at twenty two chains, and continued sixty five chains, to a black jack sappling; thence east thirty one chains fifty links, to a large forked oak, and continued fifty six chains and an half, to a stake; thence north thirty four chains, with *Pilkerton's* line, to a persimon tree standing on the bank of the river; thence down the waters of the river with *Pilkerton's* line, to a stake on the east bank of the said river; thence his line, east ten chains, to a hickory and white oak; thence his line, north ten degrees west, ten chains, to the first station; containing three hundred and ninety three acres, of which tract or parcel of land the late *James Milner* died seized, and which was sold by a certain *Andrew Miller*, executor of the last will and testament of the said *James*, to the said *Thomas Burke*; and the said *Andrew Miller*, having attached himself to the enemies of this and of the United States, and the heirs of the said *James Milner* (if any there be) being aliens and enemies to this state, and it being nevertheless just and reasonable that the said *Thomas Burke* should have the full effect of his contract and purchase of the said lands and premises, and that the same should be protected from confiscation, and secured to the said *Thomas*:

Burke: be it therefore enacted, by the authority aforesaid, and it is hereby enacted, that the said tract or parcel of land, situated, lying and being in the county of *Orange* aforesaid, on both sides of *Little river*, and bounded as aforesaid, be and remain to the said *Thomas Burke*, his heirs and assigns, for ever; saving the rights of all persons who are citizens of this or of any of the United States, and all rights (except such as may be now or hereafter vested in this state, by forfeiture, confiscation, escheat, or defection) by, from, or under the heir or heirs of the said *James Milner*, deceased, who are aliens or enemies; any law to the contrary, notwithstanding.

IV. And whereas it hath further been made appear, to the satisfaction of the General Assembly, that on or about the ninth day of *March*, one thousand seven hundred and seventy four, *Thomas Person*, Esquire, of *Granville* county, did purchase of a certain *William Field* a certain tract of land, lying in the county of *Randolph*, late *Guilford* county, on both sides hickory creek, containing two hundred and thirty three acres, and bounded as follows, to wit, beginning at a hickory, on *John Osborn's* line; thence running north two hundred and twenty poles, to a white oak; thence east, crossing hickory creek, one hundred and seventy poles, to a white oak; thence south two hundred and twenty poles, to a hickory, to and along *Osborn's* line, to the beginning; the same land having been granted to *Isaac Cox* by *Earl Granville*, by a deed bearing date the twenty sixth day of *October*, one thousand seven hundred and fifty nine, and by sundry mesne conveyances, as appears by the records, afterwards to the said *William Field*; and the said *Thomas Person* having paid the purchase money, or the greatest part thereof, and taken a bond of the said *William Field*, bearing date the aforesaid ninth day of *March*, one thousand seven hundred and seventy four, conditioned for the making unto the said *Thomas* a good title in fee-simple in and to the said land: and whereas the said *William Field* afterwards, and before any legal title by deed could be obtained from him for the land aforesaid, did traitorously withdraw himself from this state, and did join the enemies of the United States, whereby all his lands and tenements, goods and chattels, are become forfeited to this state; and it being reasonable that the said land, so as aforesaid purchased of him by the said *Thomas Person*, should be protected from confiscation, and secured unto him: be it therefore further enacted, by the authority aforesaid, that the said two hundred and thirty three acres, situated and bounded as is before set forth, be, and the same is hereby declared to be vested in the said *Thomas Person*, his heirs and assigns, for ever, as fully, to all intents and purposes, as if the said *Field* had executed a deed to him for the same before his departure from this state.

V. And be it further enacted, by the authority aforesaid, that the said *Abner Nash*, *Thomas Burke*, and *Thomas Person*, shall pay into the hands of the commissioners to be appointed for the counties of *Orange* and *Randolph* the respective sums due for the lands aforesaid, and that they account on oath for the same.

VI. Provided nevertheless, that this act shall not be construed to extend to invalidate any legal conveyance made by the within mentioned *Edmund Fanning* previous to the declaration of Independence, to any part or parcel of the within mentioned land.

CHAP. XVIII. An act to enable John Kirkwood and Thomas Robeson to sell and dispose of the estate of John Robeson, deceased.

I. WHEREAS *John Robeson*, of the county of *New Hanover*, having died intestate, and possessed of a considerable estate, real and personal, the greatest part of both stands mortgaged for the payment of more than the sum of sixteen hundred pounds sterling money, to *Woldridge* and *Kelly*, merchants in the kingdom of *Great Britain*, whose property becomes forfeited by their absence from this state;

II. Be it enacted by the General Assembly of the State of *North Carolina*, that it shall and may be lawful for *Thomas Robeson* and *John Kirkwood* to sell, convey, and dispose of the estate of the deceased, for the most it will fetch, at public vendue, and to satisfy and pay the debt and interest due by said *Robeson* to *Woldridge* and *Kelly* into the treasury of this state, and the remainder (if any) to apply as by law directed.

CHAP. XIX. An act for dividing the Mecklenburg regiment of militia into two separate and distinct regiments.

I. WHEREAS the great extent of said county and the uncircular situation of the court-house, renders it very inconvenient for the militia of the north east end of said county to attend court martials, and other military duties, at said court house: for remedy whereof,

II. Be it enacted by the General Assembly of the State of *North Carolina*, and by the authority of the same, that from and after the passing of this act, the companies of the following captains, to wit, captain *James Barr*, captain *James White*, captain *Matthias Bever*, captain *John Sterns*, captain *William Houston*, and captain *William Alexander's* companies, as they now stand, shall be a separate and distinct regiment, known by the name of the *Mecklenburg* second regiment of militia.

III. And be it further enacted, by the authority aforesaid, that the said regiment, from and after the passing of this act, shall have, exercise and enjoy, all the powers and authorities that any other separate and distinct regiment in this state does exercise and enjoy; any law to the contrary, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the place for holding general musters for said regiment shall be at the house of captain *Martin Pfifer*, where said companies have been formerly mustered.

CHAP. XX. *An act to lay off and establish a town in Warren county, on the land already purchased by commissioners, at the place fixed for setting the court-house of said county, and for other purposes therein mentioned.*

WHEREAS one hundred acres of land, at the place fixed for setting the court-house of Warren county, hath been purchased agreeable to act of Assembly, passed at Halifax the twelfth day of February, one thousand seven hundred and seventy nine, intituled, *An act for dividing Bute county into two distinct counties, and for other purposes therein mentioned*; and representation being made to this Assembly, that the inhabitants of said county believe it would be greatly to their advantage, also to the benefit of traders and artificers, to have a town laid off and established by law on the aforetaid land:

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that a town be established on the said land, by the name of *Warrenton*, and that *William Johnston, Philemon Hawkins, Edward Jones, John Faulcon, Adkin McLemore, and William Duke*, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town: and the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court house, prison and stocks, and also to lay out one hundred other lots, each to contain one half acre, with convenient streets and squares, and the overplus of land (if any) to remain as a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and mark or number each lot therein, and take subscriptions for said lots of such persons as may be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done by ballot in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the mark or number contained in the plan of said town: and the said commissioners, or a majority of them, are hereby empowered to grant good and sufficient titles in fee simple for said lots, at the cost of the subscribers. *Provided nevertheless,* that every grantee, his heirs and assigns, of any lot in said town, so conveyed, shall within three years next after the conveyance erect, build and finish, on the said lot, one brick, stone, or well framed house, not less than twenty feet long, sixteen feet wide, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, if any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, then such lot or lots shall be forfeited; and the aforetaid commissioners, or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of said town, *Provided also,* that no one person shall be permitted to subscribe for more than six lots for his own use.

III. *And be it further enacted, by the authority aforesaid,* that each respective subscriber for any lot in said town, shall at the time of subscribing pay fifty dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the county court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of all the said monies into the hands of those commissioners, who, in obedience to the act of Assembly before mentioned, did purchase the aforetaid land, and contract with workmen to build a court-house, prison and stocks, thereon; which said monies the last mentioned commissioners shall appropriate towards discharging the cost of the aforetaid land and buildings, and shall account with the court of said county for the expenditure of the same.

IV. *And be it further enacted, by the authority aforesaid,* that in case of refusal, death, or removal out of the county, any of the commissioners appointed by this or the afore mentioned act, or the survivors of them, are hereby empowered and required to appoint, from time to time, by instruments in writing, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and a new commissioner or commissioners so appointed shall have the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the afore mentioned act.

V. Whereas the commissioners appointed by act of Assembly to measure the boundaries of *Bute* county, and running a dividing line between the counties of *Warren* and *Franklin*, having run the same by a direct line from *Granville* line to *Little Shockoe* creek, near *Prifella Nelms's* plantation, and finding it most convenient for the lower inhabitants near the said dividing line to continue the same down the meanders of *Little Shockoe* and *Great Shockoe* creek, to *Fishing* creek, and down the meanders thereof to *Halifax* and *Nash* line, each county thereby having an equal quantity of land, as near as can be reasonably ascertained: and as the commissioners have caused the said dividing line to be entered on the records of each county, therefore, *be it enacted, by the authority aforesaid,* that the aforementioned dividing line as it stands entered on the records of *Warren* and *Franklin* courts, be and remain the dividing line between the said counties; any thing contained in the aforementioned act to the contrary notwithstanding.

*The rest Obsolete. *N. C. L. 1, 1779, 19, 373.*

CHAP. XXI. *An act to amend an act, intituled, an act for the regulation of the town of Hillsborough.* p. 74.

I. **W**HEREAS from the impossibility of procuring nails, and other materials necessary for building, and from many unavoidable circumstances intervening, owing to the present contest with Great Britain, it hath been impossible for those persons holding unimproved lots, by entry or otherwise, to compleat the necessary buildings required within the time limited by law;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that from and after the passing of this act, all and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, shall be allowed a further time of three years to compleat the necessary buildings required by law for securing titles to such lot or lots in said town; any law, usage, or custom, to the contrary, notwithstanding.

III. *And be it enacted, by the authority aforesaid,* that each and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, who shall within the term of three years limited by this act, make such improvements on the same as shall be deemed by the trustees or commissioners of the said town, or a majority of them, to be of equal value or advantage to the town as the house required by law, shall be considered a sufficient improvement to secure a title for each and every lot so improved; any law, usage or custom, to the contrary, notwithstanding.

IV. *And be it further enacted, by the authority aforesaid,* that the eighth section of an act of the General Assembly, passed at Newbern the eighth day of April, one thousand seven hundred and seventy seven, intituled, *An act for the regulation of the town of Hillsborough**, is hereby repealed.

V. *And be it further enacted, by the authority aforesaid,* that so much of the above recited act, as comes within the purview of this act, is hereby repealed, and made null and void. *p. 74.

CHAP. XXII. *An act to prevent persons from stopping the passages of fish up Tar river and Dan river.*

I. **W**HEREAS divers persons, inhabitants near Tar river and great Dan river, heretofore made a practice of stopping the passage of fish up the said rivers, by building wares, dams or hedges, across the same, whereby great damage is done to the good people resident above such wares, dams or hedges: for remedy whereof,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build, erect, or cause to be built or erected, or kept up, any ware, dam, or stoppage, that is already, or may hereafter be built or erected across the said rivers, unless eighteen feet in or near the middle, or in the deepest part of the said rivers, be left open to the bottom across the same during the term of three months, to wit, from the fifteenth day of February to the fifteenth day of May; but that all stoppages shall be so made in the said rivers as to leave eighteen feet thereof as aforesaid open and sufficient for the free passage of fish up the said rivers during the aforesaid term of three months in each and every year.

III. *And be it further enacted, by the authority aforesaid,* that any person or persons who shall offend against this act, shall forfeit and pay for every such offence the sum of one thousand pounds, to any person or persons who shall sue for the same, to his, her, or their own proper use; to be recovered before any jurisdiction that shall have cognizance thereof.

IV. *And be it enacted, by the authority aforesaid,* that this act shall not extend to keep open Tar river higher up the same than to Priddy or Dickenson's mill, as the said mill is not far below the head of the said river.

CHAP. XXIII. *An act to empower the commissioners therein mentioned to purchase a lot in the town of Wilmington, to build a gaol thereon for the district of Wilmington, and other purposes.*

I. **W**HEREAS there is no lot yet procured to build a district gaol in the town of Wilmington, for the district of Wilmington: for remedy whereof,

II. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that William Wilkinson, John DuBois, Henry Toomer, Richard Player, and Andrew Rundelson, or a majority of them, be, and they are hereby authorized and empowered to purchase a lot of land in the said town, in the most convenient place for the purpose aforesaid.

III. *And be it further enacted, by the authority aforesaid,* that the said commissioners be, and they are hereby authorized and empowered, to take a title for the said lot, for and in behalf of the said district of Wilmington, to be reserved for the uses aforesaid.

CHAP. XXIV. *An act for prolonging the time for saving the lots in the towns of Windsor and Wynton.*

I. **W**HEREAS from many unavoidable hindrances it hath been impracticable for the proprietors and owners of lots in the towns of Windsor and Wynton to compleat the buildings on the said lots agreeable to law;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that every lot in either of the said towns, on which a house be erected and built of the dimen-

ons in the several acts of Assembly for erecting the said towns of Windsor and Wynton into towns, or other improvements, which shall be by the commissioners, trustees or directors, or either of them, deemed and adjudged equal thereto, within the space of three years next after the passing of this act, and all and every lot in either of the said towns which shall hereafter be sold or conveyed, on which such house shall be erected and built, or other improvement made thereon equal thereto, within the space of three years from the date of the conveyance executed for the same, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple, any thing contained in the above mentioned act to the contrary notwithstanding.

CHAP. XXV. *An act for establishing an academy in the county of Granville, for appointing trustees, and for other purposes.*

I. WHEREAS the proper education of youth in this state is highly necessary, and would answer the most valuable and beneficial purposes to the good people thereof; and whereas the county of Granville, from its situation both pleasant and healthy, well watered, and abounding with provisions, is a fit and proper place to erect buildings for a seminary of learning; and whereas large sums of money have already been subscribed to promote and encourage such a laudable and beneficial establishment, which, together with such other sums as may be given in donations and otherwise, will answer all the expence attending the same:

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that his Excellency Richard Caswell, Esq; Abner Nash, Esq; Speaker of the Senate, and Thomas Benbury, Esq. Speaker of the House of Commons, John Penn, Esq; Reverend George Micklejohn, the Reverend Henry Patillo, Thomas Person, Edmund Taylor, John Taylor, Menucan Hunt, Philemon Hawkins, jun. Howel Lewis, Robert Lewis, Charles Rust Eaton, John Young, and Samuel Smith, be, and are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies and other personable property, as also to receive a grant in fee for all such land, as shall be given in donations, with such uses and trusts as may be necessary for the purpose aforesaid.

III. *And be it further enacted, by the authority aforesaid,* that a majority of the said trustees shall be, and are hereby declared a board, to make choice of land, receive in donations, or purchase the same in the said county, not containing less than five hundred acres, whereon to erect the building of the academy aforesaid, which when built shall be called *Granville Hall*; and that a majority of said trustees shall be a board on other occasions to make all such regulations as shall be necessary for the improvement of the said academy, who are hereby vested with all the powers and authorities as the trustees of any academy in this state possess and hold, for the purpose aforesaid.

IV. *And whereas a town contiguous to the said buildings would be very convenient and serviceable, be it further enacted, by the authority aforesaid,* that the said majority of the trustees as aforesaid shall lay out one hundred acres of the said land into half-acre lots, with proper streets and squares; and when one hundred lots are subscribed for, the same to be drawn by ballot, and any five of the said trustees shall make a deed in fee to every subscriber who shall draw a lot as aforesaid.

CHAP. XXVI. *An act to prevent the stopping of fish from running up the Rocky and Haw rivers.*

I. WHEREAS divers persons, inhabitants near the said rivers, have heretofore made a practice of stopping the same, by building wares, dams or hedges, across said rivers, with design to catch fish and otherwise, whereby great injury is done to the good people resident above such wares, dams or hedges aforesaid: for remedy whereof,

H. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that from and after the ratification of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, wares, dams or hedges, in the said rivers, below Nathaniel Alexander's mill, on Rocky river, which stands on the trading road that leads from Salisbury to Charlotte town on Rocky river, or Richard Simpson's mill on Haw river. *Provided nevertheless,* it shall and may be lawful for any person or persons to keep up any mill dam or dams that is or may be erected on said rivers provided the owner or owners of such mill dams shall either by gates or slopes, from the fifteenth of February until the fifteenth of May in each and every year, keep open twenty feet of said river by slopes or gates, said slopes to be twenty five feet in length for every four feet in height of such dam, and so in proportion, and so fixed, that the water may be kept running not less than nine inches deep through each slope for and during the time aforesaid, said slopes and gates to be made and fixed up at the expence and cost of the owner or owners of such dam or dams; and if the owner or owners shall choose to keep open said river by gates, they shall be fixed and kept in the channel of said river for and during the time aforesaid, and the same number of feet in breadth.

III. *And be it further enacted, by the authority aforesaid,* that any person or persons who shall offend against this act, shall forfeit and pay for every offence the sum of five hundred pounds; to be recovered by action of debt, in any court of record in this state, one half to him or them that will sue for the same, the other half to go to the use of the county where the offence may be committed, to lessen the county tax.

CHAP. XXVII. *An act to establish a road from James M'Daniel's, in Pasquotank county, to the widow White's in Perquimons county, and granting a toll on the same.*

I. **WHEREAS** a representation hath been made by a number of petitioners of the counties of Pasquotank and Perquimons, that a road, bridge or causeway, leading from or near James M'Daniel's, in the upper part of Pasquotank county, through the great Disinal swamp, to Perquimons county, to join a road in Perquimons county passing from the upper bridge of Perquimons river by the widow White's, would be of great convenience to the inhabitants of the said counties, and other persons having occasion to travel in that part of the country; and whereas Gideon Lamb hath proposed to make such road, bridge or causeway, in a proper and sufficient manner, at his own expence, and to maintain it in effectual repair during his interest therein, it he can be ascertained of receiving an adequate compensation and encouragement for the same;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that the said Gideon Lamb, his heirs or assigns, may proceed to make, or cause to be made, such road, bridge or causeway; and if he, or any of them, shall within the term of five years from the passing of this act, make, or cause to be made, such road, bridge or causeway, so as to answer the purposes of effecting a safe and convenient passage to all travellers having occasion to pass along the same, their horses, carriages, cattle, sheep or hogs, that in such case it shall and may be lawful for the said Gideon Lamb to erect and keep a sufficient gate on any part of the said road, bridge or causeway, and demand and receive for the passage of all and every person or persons, with a horse or horses, carriage or carriages, or any number of cattle, sheep or hogs (foot passengers only excepted) half the rates that are or may, from time to time, be by the court of Clowan county allowed for the passage of the same over the ferry from Edenton to Duckenfield's; and that the said Gideon Lamb, his heirs or assigns, may lawfully prevent any person or persons passing over the same as aforesaid, without payment of the said rates.

III. *And be it further enacted, by the authority aforesaid,* that all militia, continental troops, with their carriages and horses, when embodied and in actual service, shall pass and repass over said bridge toll free.

IV. *Provided,* that Jonathan Herring, Joshua Campbell, Caleb Cowen, Joseph Stokley, Thomas Newby, Josiah Granberry, and Charles Herring, are hereby authorized and appointed to inspect and judge whether the said road, bridge or causeway, be properly made by the said Gideon Lamb, his heirs or assigns, and upon the certificate of them, or a majority of them, returned to the county court of Pasquotank or Perquimons, certifying that the said road, bridge or causeway, is properly made, so as to answer the purposes and intentions of this act, if it be within the term of five years as aforesaid, then the right of receiving the said rates as above mentioned shall commence, and be vested in the said Gideon Lamb, his heirs and assigns.

V. *And be it further enacted, by the authority aforesaid,* that the right of receiving the rates aforesaid, upon the conditions above mentioned, shall continue in the said Gideon Lamb, his heirs and assigns, forever.

VI. *And be it further enacted, by the authority aforesaid,* that during the time the said bridge or causeway shall be kept in sufficient repair, and fit for travellers and carriages to pass and repass the same, it shall nor be lawful for any person or persons whatsoever to build any bridge or causeway, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said swamp for fee or reward, within six miles of the said bridge or causeway, during the time aforesaid, under the penalty of fifty pounds current money for each and every offence; to be recovered by the said Gideon Lamb, his heirs or assigns, in any court of record in the said state, to be applied to the use of the proprietor of the bridge or causeway built by the said Gideon Lamb; and during the said time, the right and property of the said bridge or causeway is hereby invested in the said Gideon Lamb, his heirs, executors, administrators, or assigns.

VII. *And be it further enacted, by the authority aforesaid,* that if any person shall sustain any damage or injury by crossing the said bridge or causeway, owing to its insufficiency, he, she or they, so sustaining damage, shall have the right of action and recovery of the proprietor of the bridge or causeway.

CHAP. XXX. *An act to lay off and establish a town in Franklin county, on the land already purchased by commissioners, at the place fixed for setting the court-house of said county, and for other purposes therein mentioned.*

WHEREAS one hundred acres of land, at the place fixed for setting the court-house of Franklin county, hath been purchased agreeable to act of Assembly, passed at Halifax the twelfth day of February, one thousand seven hundred and seventy nine, intituled, *an act for dividing Bute county into two distinct counties, and for other purposes therein mentioned*; and representation being made to this Assembly, that the inhabitants of said county, believe it would be greatly to their advantage, as also to the benefit of traders and artificers, to have a town laid off and established by law on the aforesaid land: *1, 1779, 19, 373.

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that a town be established on the said land, by the name of Lewisburg, and that Osborn Jeffreys, William Green, William Hill, William Brickell, and John Hunt, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town; and the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court-house, prison and stocks, and also lay out one hundred other lots, each lot to contain one-half acre, with convenient streets and squares, and the overplus of land (if any) to remain as

a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and number each lot therein, and take subscriptions for said lots of such persons as shall be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the number contained in the plan of said town: and the said commissioners, or a majority of them, are hereby empowered to grant good and sufficient titles in fee simple for said lots, at the cost of the subscribers. *Provided nevertheless*, that every grantee, his heirs or assigns, of any lot in the said town, so conveyed, shall within four years next after the conveyance erect, build and finish, on the said lot, one brick, stone, or well framed house, not less than sixteen feet square, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, if any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, then such lot or lots shall be forfeited; and the aforesaid commissioners, or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of said town. *Provided*, that no one person shall be permitted to subscribe for more than six lots for his own use.

III. *And be it further enacted, by the authority aforesaid*, that each respective subscriber for any lot in said town, shall at the subscribing pay forty dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the county court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of all the said monies into the hands of those commissioners, who, in obedience to the act of Assembly before mentioned, did purchase the aforesaid land, and contract with workmen to build a court-house, prison and stocks, thereon; which said monies the last mentioned commissioners shall appropriate towards discharging the cost of the aforesaid land and buildings, and shall account with the court of said county for the expenditure of the same.

IV. *And be it further enacted, by the authority aforesaid*, that in case of refusal, death, or removal out of the county, of any of the commissioners appointed by this or the aforesaid mentioned act, the survivors of them, are hereby empowered and required to appoint, from time to time, by instruments in writing, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall have the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the aforesaid mentioned act, any thing to the contrary notwithstanding.

CHAP. XXXII. *An act to confirm the titles of lands to sundry of the inhabitants of Duplin county.*

I. **W**HEREAS sundry of the inhabitants within the county of Duplin have settled upon a certain tract of land in the said county, and have for twenty years past obtained patents for the same: and whereas a claim hath been set up for part of said land by a certain Thomas Christie, of the kingdom of Ireland, and thereby said lands may be considered to come within the meaning of the confiscation act, to the great prejudice of the owners thereof;

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that all such patents that have been granted and obtained before the declaration of independence by the United States shall be, and are hereby declared to be good and valid, to all intents and purposes; and the said owners and proprietors of the said patents shall have, hold, use, exercise and enjoy, all and singular the said lands contained within the said patents, in as full and ample a manner, as if the said land had never been claimed by said Thomas Christie; any law, usage or custom, to the contrary, notwithstanding.

CHAP. XXXIII. *An act to establish a town in the county of Surry, heretofore laid out on the lands of John Armstrong and William Sheppard, at the court-house of said county, and for other purposes.*

I. **W**HEREAS the establishment of a town, heretofore laid out as the court-house in Surry county, agreeable to a plan thereof made by Colonel Martin Armstrong, upon the lands aforesaid, would be very beneficial to the western inhabitants of this State, by promoting an inland trade:

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that one hundred acres of land, the property of said Armstrong and Sheppard, be laid off and established by the name of Richmond; and that Martin Armstrong, Samuel Cummings, John Shead, Malcolm Curry, and Job Martin, from and after the passing of this act, be, and are hereby appointed and constituted commissioners and trustees for laying out and building, and regulating the said town; and they, or a majority of them so soon as may be after the passing of this act, shall cause the said land to be laid out into lots of one hundred and forty four square poles each with convenient squares and streets, according to the plan thereof made heretofore as aforesaid, and shall have full power to convey the same, and grant a title to the said lots in fee simple, to any person who have been or

shall become a purchaser thereof, upon his performing the requisites in this act herein after required: and every grantee, his heirs or assigns, of any lot in the said town, shall within five years next after the date of the conveyance of the same erect, build and finish, on the said lot, one brick, stone, or well framed house of the dimensions of twenty feet long and sixteen feet wide, and ten feet pitch in the clear at least, with one good brick or stone chimney; and if the owner of any lot shall fail to comply with the directions herein prescribed for finishing a house thereon, then such lot upon which such house shall not be built and finished as aforesaid, shall be vested in the said commissioners or trustees and they, or a majority of them, shall, and are hereby authorized to sell, on public notice first given, such lot to the highest bidder, to whom shall be granted and conveyed such lot, under the like regulations and restrictions as the same was before granted; and the money arising from such sale shall be applied by the trustees aforesaid, or a majority of them, for the benefit and improvement of the said town.

III. *And be it further enacted*, that each respective purchaser of any lot in the said town shall, previous to the receiving of any grant for any lot by them purchased, pay into the hands of the proprietors of said land the sum of twenty pounds, at the time that the said proprietor shall relinquish his title to the same, and also twenty shillings per lot to the said commissioners, for defraying the contingent charges for their laying off said town according to this act.

IV. *And be it further enacted, by the authority aforesaid*, that in case of the death, refusal to act, or removal out of the said county of any of the commissioners, the surviving commissioners, and trustees, or a majority of them, shall, and are hereby empowered to appoint, from time to time, by instrument in writing under their hands and seals, some other person, being a freeholder in the said town and county, in the place of him so refusing to act, dying, or removing out of the said county, which said instrument of writing shall be recorded in the county court, and registered in the registers office; which new trustee so appointed, shall thenceforth have the like power and authority in all matters and things herein contained, as if he had been expressly mentioned in this act.

V. *And be it further enacted, by the authority aforesaid*, that all and every person or persons who have heretofore purchased any lot or lots in the said town from the said John Armstrong and William Sheppard, and have paid for the same, or their heirs or assigns, shall be entitled to receive, and to obtain from the commissioners aforesaid, a deed for such lot or lots, in preference of all persons whatsoever.

VI. *Obsolete.*

VII. *And be it further enacted, by the authority aforesaid*, that all and every act which comes within the purview and meaning of this act, is hereby repealed, and made null and void, to all intents and purposes.

CHAP. XXXV. *An act for erecting a town on the lands of Thomas Hunter, at Squhawky, in Martin county.*

I. **W**HEREAS it hath been represented to this Assembly that the land of Thomas Hunter, on the south side of Roanoke river known by the name of Squhawky, in Martin county, is a healthy, pleasant situation and very conveniently situated for trade and commerce, and the said Thomas Hunter having signified his consent to have seventy eight acres of the said land laid off for a town, which will greatly promote the trade and navigation of the said river.

II. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the said seventy eight acres of land, beginning at the north side of a branch, thence running north, fifty nine degrees west, eighty seven poles, to a stake, thence north, fifty five degrees east, one hundred and eighty poles, to a red oak, then south, fifty degrees east, thirty eight poles, into the aforesaid branch, then up the various courses of the said branch to the first station, laid off in lots and streets according to a plan before this Assembly, be and the same is hereby constituted and established a town, and shall be called by the name of Williamstown.

III. *And be it further enacted, by the authority aforesaid*, that from and after the passing of this act, Samuel Williams, Thomas Hunter, Samuel Smithwick, William Slade, Edward Smithwick, and John Griffin, gentlemen, be, and every of them, are hereby constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate, in fee simple, in the said seventy eight acres of land as aforesaid, to and for the uses, intents and purposes, hereby declared; and the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Roanoke river, adjoining the said town for a public landing, as they shall think convenient and necessary. And whereas subscriptions have been made for the greatest part of the lots in the said town.

IV. *Be it enacted, by the authority aforesaid*, that the said commissioners, or a majority of them, shall appoint a time, and give public notice thereof, for meeting the subscribers on the said land for determining the property of each particular lot, which shall be drawn by ballot, in a fair manner, by direction and in the presence of a majority of the said commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town: and the said commissioners, or a majority of them, shall make and execute deeds for the granting and conveying the said lots contained in the said town to the respective subscribers, for the same, their heirs and assigns for ever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed; and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

V. *Provided nevertheless*, that the grantee or grantees of any lot or lots in the said town so conveyed, shall within five years next after the date of the conveyance for the same, erect, build and finish, on each lot so conveyed, one well framed or brick house, fourteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee or grantees shall have two or more lots contiguous, or shall make any other improvement on the said lot or lots which the said commissioners shall judge equivalent thereto: and if the owner of any lot or lots in the said town shall fail to pursue the directions by this act prescribed for building and finishing a house, or making some other improvement thereon, as aforesaid, then such lot or lots upon which such house shall not be built and finished, or such improvement not made, shall be re-vested in the said commissioners, and the said commissioners or the majority of them may, and are hereby empowered and authorized, to sell such lot for the best price that may be had, to any other person or persons applying for the same, in such manner, and under such restrictions, as they could or might have done, if such lot had not before been sold or granted.

VI. *And be it further enacted*, by the authority aforesaid, that the respective subscribers for the said lots shall within three months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners the sum of forty pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same, in their own names, and therein shall recover judgment, with costs.

VII. *And be it further enacted*, that all monies that shall arise from or by the disposal of such lot as may not be built on or improved agreeable to the directions of this act, within the time therein limited for that purpose, shall be paid to the said commissioners, or their successors, and by them applied to the use of the said town, for clearing the streets, erecting such public buildings, or making such other improvements in the said town, as the said commissioners, or a majority of them shall think necessary.

VIII. *And for continuing the succession of the said commissioners*, be it enacted, that in case of death, refusal to act, or removal out of the country, of any of the said commissioners, the surviving or other commissioners, or the majority of them; shall assemble, and shall from time to time, by an instrument in writing under their respective hands and seals, nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the country; which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things concerning the matters herein contained, as if he had been expressly nominated and appointed by this act.

CHAP. XXXVI. *An act to establish and lay out a town in Washington county.*

I. **WHEREAS** one hundred acres of land at the place fixed for erecting the court-house and public buildings of Washington county hath already been purchased by the commissioners appointed by law to affix the court-house of Washington county for the purpose of erecting a town thereon, and representation being made to this present General Assembly that the inhabitants of said county would be greatly benefited thereby, also to traders and artificers to have a town laid off and established by law on said land:

II. *Be it therefore enacted*, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the land purchased for the use of the county of Washington by the name of *Jonesborough*, and that John Woods, Jesse Walton, George Russell, James Stewart and Benjamin Clark, be commissioners to lay out and direct the buildings of the said town of *Jonesborough*; and that the commissioners, or a majority of them, as soon as may be after the passing of this act, do set apart a lot of ground convenient and sufficient for the public buildings in said town, and also lay out fifty other lots to contain one acre each, with convenient squares and streets, and the overplus of said land, if any, to remain as common to the use of the said town until it shall by law be appropriated to other use, and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make or cause to be made, a fair plan of said town, and number the lots, and take subscriptions for said lots of such persons as may be willing to subscribe for the same, and when the whole number of lots shall be subscribed for, the commissioners aforesaid shall give public notice and appoint a day for drawing said lots, which shall be done by ballot in a fair and open manner by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him corresponding with the number contained in the plan of said town, and the said commissioners, or a majority of them are hereby empowered to grant good and sufficient titles in fee simple for the said lots at the costs of the subscribers. *Provided nevertheless*, every grantee, his heirs or assigns, of any lot in the said town so conveyed, shall within three years after such conveyance, erect, build and finish, on the said lot, one brick, stone or well framed house, twenty feet long and sixteen feet wide, and at least ten feet in the pitch, with a brick or stone chimney, or in proportion to such dimensions if any person shall hold two or more lots adjacent, and if the owner of any lot or lots shall fail to build and finish thereon as before described then such lot or lots shall be forfeited, and the aforesaid commissioners, or a majority of them are hereby authorized to sell (on public notice first given) such lot or lots to the highest bidder under the like regulations as the same was before granted, and the money arising therefrom shall be applied by the commissioners, or a majority of them, for the benefit and improvement of said town.

III. *And be it further enacted*, by the authority aforesaid, that each respective subscriber for any lot in the said town

shall, at the subscribing for the said lots, pay seventy five dollars for each and every lot into the hands of the said commissioners, or any one of them as they shall appoint, who after deducting such part of those monies as the court shall adjudge a reasonable compensation for their trouble, are hereby directed and required within three months after the lots are drawn for, to pay the remainder of all said monies into the hands of the aforesaid commissioners, who shall account with their respective county court, who shall apply all the aforesaid money towards defraying the county contingent tax.

CHAP. XXXVII. *An act to vest the property of a bridge lately built by Samuel Ruffin, deceased, over great Contentney creek, in Etheldred Ruffin, his heirs or assigns for twenty years.*

I. WHEREAS representation hath been made to the General Assembly, that Samuel Ruffin, late of Edgcomb county, deceased, did at a considerable expence, erect and finish a good and substantial bridge across Contentney creek, at a place generally known by the name of Peacocks bridge, with a view of re-imbursing himself therefor by receiving the then accustomed toll from travellers and others, which an act of the General Assembly since passed, has prevented; much to the injury of the said Ruffin:

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act it shall and may be lawful for Etheldred Ruffin, his heirs or assigns, to receive from all travellers and others passing the said bridge, the respective sums which shall from time to time be allowed by the court of Dabbs for travellers and others passing ferries in said county, and to keep a gate on said bridge. *Provided nevertheless*, that all persons, carriages, &c. when in actual military service of this or the United States, or expresses for the same, shall pass said bridge toll free, such persons making it appear to the owner of said bridge they are in the service above mentioned.

III. And be it further enacted, by the authority of the same, that during the time the bridge shall be kept up and in repair, fit for travellers and carriages to pass and repass the same, it shall not be lawful for any person whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs or sheep over the said creek for fee or reward, within five miles of said bridge during the times aforesaid, under the penalty of two pounds, to be recovered by the owner of said bridge, before any jurisdiction having cognizance thereof, and applied to his or their own use during the said time the right and property of the said bridge is hereby invested in the said Etheldred Ruffin, his heirs and assigns.

IV. And be it further enacted, that an act of the General Assembly passed at Newbern the second day of May, 1770, intitled, *an act for appointing commissioners to build a bridge across Contentney creek, and for other purposes*, be and the same is hereby repealed, and made null and void.

V. Be it further enacted, that the said Etheldred Ruffin, his heirs or assigns, shall not during the said time, fall or cause to be fallen any tree in the ford at or near where the said bridge now stands, or otherwise stop or obstruct the same so as to prevent travellers and others fording the creek thereat, under the penalty of one hundred pounds for each and every offence, to be recovered by any person who shall sue for the same, before any jurisdiction having cognizance thereof, and applied to his or their own use.

VI. And be it further enacted, that this act shall continue and be in force for and during the term of twenty years, and from thence to the end of the next session of Assembly, and no longer.

CHAP. XXXVIII. *An act for granting a free pardon to Charles Shearing, now under sentence of death.*

I. WHEREAS Charles Shearing, lately an inhabitant of Chatham county, was convicted at the superior court of the district of Hillsborough, in October term instant, for feloniously stealing a horse, for which he was condemned to die; and whereas full and sufficient testimony has appeared to this Assembly that the said Charles Shearing has heretofore behaved himself as a good and faithful subject, and a recommendation of mercy in favour of the said Charles Shearing being presented to this Assembly by the Judges of the said superior court for the district of Hillsborough;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said Charles Shearing be, and he is hereby freely and fully forever pardoned of the crime for which he was so convicted and sentenced to die; and that he be discharged from all further confinement touching the said condemnation on paying the lawful fees.

CHAP. XL. *An act to prevent the stopping the fish in the Uharie river.*

I. WHEREAS divers persons inhabitants near the said river have heretofore made a practice of stopping the same by building wares, dams or hedges, with design to catch fish, whereby great injury is done to the good people resident above such wares, dams or hedges aforesaid; for remedy whereof,

II. Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any ware, dam or hedge, in the said river, to as so extend more than two thirds across the same, but that all stoppages may be so made in the said river as to leave one third part open and free for the passage of fish.

III. And be it further enacted, by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every such offence, the sum of one thousand pounds, to be recovered by action of debt by any person who shall sue for the same to his, her or their own proper use.

CHAP. XLI. *An act to enable John Norwood, surviving executor of the last will and testament of Henry Bradley, deceased, to sell and convey the lands of the said deceased.*

I. WHEREAS Henry Bradley, deceased, (of Halifax county) in the year one thousand seven hundred and sixty four, did appoint John Norwood and Jennings Hackney executors of his last will and testament, and did invest the said executors with power jointly to sell and convey his lands, and by his said will direct the manner and uses, to which the money arising by such sale should be appropriated; and whereas Jennings Hackney, one of the said executors did debase before the aforesaid lands were sold, which circumstance makes it doubtful whether the surviving executor has legal power to sell and convey the aforesaid lands; therefore,

II. Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that John Norwood, surviving executor of the last will and testament of Henry Bradley, deceased, be, and is hereby authorized and empowered to enter upon, sell and convey, the lands of the aforesaid deceased, and the said executor, after deducting so much of the money arising by such sale as the county court of Halifax shall adjudge a reasonable compensation for his disbursements, shall pay and appropriate all the remainder of said money to such uses as the last will and testament of the aforesaid deceased doth direct.

IV Year of the Independence. The 17th of April, 1780. First Session.

CHAP. XVIII. *An act to invest the title of a certain tract of land therein mentioned in William Houston, his heirs and assigns, in fee simple.*

I. WHEREAS it hath been made appear to the satisfaction of the General Assembly that William Houston, purchased of Henry M'Culloch, for two valuable considerations, a tract of land in Duplin county, on the northeast of Cape-Fear river, containing eight hundred and forty acres, granted to the said Henry M'Culloch by patent bearing date the third day of March, Anno Domini, one thousand seven hundred and forty five, and bounded as follows: beginning at a gum on the east branch of the river Cape-Fear, and running thence east fifty one chains to a pine by the Indian branch, then south twenty degrees west eighty seven chains to a lightwood, then south seventy degrees east three chains to a pine, then south twenty degrees west sixty seven chains to a large pine in a great meadow, then south sixty degrees west forty chains to a stake by the said northeast branch of Cape-Fear river, then up the various courses of said branch to the first station. And whereas the said William Houston hath actually been in quiet and peaceable possession of the aforesaid tract of land ever since the year 1747, without any legal conveyance from the said Henry M'Culloch, and the same being now subject to confiscation, to the great injury of the said William Houston: for remedy whereof,

II. Be it enacted, by the General Assembly of the State of North-Carolina, that the title of the said tract of land containing eight hundred and forty acres, bounded as before mentioned, shall be, and is hereby declared to be, invested in the said William Houston, his heirs and assigns, in fee simple.

CHAP. XIX. *An act for vesting and confirming in Hannah Reed, widow and administratrix of the late reverend James Reed, deceased, the personal estate of the said James Reed in her own right, and for other purposes.*

I. WHEREAS the reverend James Reed died intestate, and left no children, or other legal representative, in this or any of the United States of America; and whereas by an act of the General Assembly now in force in this state, intitled, *An act appointing a method for the distributing intestates estates, passed in the year of our Lord one thousand seven hundred and sixty six*, only one moiety of the estate of such intestate is allotted to his widow; and whereas the whole of the property of which the said James Reed died possessed of was acquired by his intermarriage with his now widow: *N. C. L. 1766, 3; 223.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all and every part and parcel of the personal estate of which the said James Reed died seized and possessed, be and remain in the said Hannah Reed, to her sole use, benefit and behoof, for ever. *The rest Obsolete.*

CHAP. XXI. *An act for prolonging the time for saving lots in the town of Smithfield, in Johnston county.*

I. WHEREAS from the great difficulty of procuring nails, and other necessary materials for building, as well as from many other unavoidable hindrances, it has been put entirely out of the power of the possessors of lots in the town of Smithfield, in Johnston county, to compleat their buildings on their respective lots within the time limited by law;

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every lot in the said town, on which a house shall be built of the dimensions mentioned in an act of Assembly, intitled, an for establishing a town on the lands of John Smith, on Neuse river, in Johnston county, or other improvements thereon, which shall be deemed by the directors or commissioners of said town equal thereto, within the space of three years after the passing of this act, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee-simple; any thing in the said act contained to the contrary notwithstanding.* *p. 73.

CHAP. XXII. *An act to vest the title of a certain lot therein mentioned in William Courtney, Esquire.*

I. **W**HEREAS it hath been made appear, to the satisfaction of the General Assembly, that *William Courtney, Esquire*, of the town of *Hillsborough*, is justly intitled to a certain lot in the town aforesaid, commonly known by the name of the *still-house lot*, number 45, the same being a lot late the property of *Young, Miller, and company*, and the said *Young, Miller, and company*, who owed allegiance to this state, having departed the same, and joined the enemies of the United States, whereby their property hath by the laws of this state become forfeited to the same, and it being reasonable that the said lot should be protected from confiscation, and secured to the said *William Courtney*,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Joshua Potts, John Ray, and James Carrington, commissioners for selling the confiscated property in the county of Orange, or any two of them, be, and they are hereby impowered and required to execute unto the said William Courtney, his heirs or assigns, a good and sufficient deed of conveyance for the same, he the said Courtney paying into their hands the balance which may appear to be due on the said contract; which proceedings, when had and done, shall be deemed sufficient in law to vest in him, his heirs and assigns, all the right and title which this state hath, or may have acquired, in and to the same, by confiscation, forfeiture, or otherwise; any law to the contrary notwithstanding.*

VI Year of the Independence. The Thirteenth of April, 1782. First Session.

CHAP. XXI. *An act for dividing the Rowan regiment of militia into two separate and distinct regiments.*

I. **W**HEREAS the great extent of said county and the uncentrical situation of the court-house, renders it very inconvenient for the militia of the west end of said county to attend court martials and other military duties at said court house; for remedy whereof,

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the companies of the following captains, to wit, captains Davidson, Cowan, Crawford, Caldwell, Purviance, Graham on Hunting creek, Nichols and Sharpe, as they now stand, shall be a separate and distinct regiment known by the name of the Rowan second regiment of militia.*

III. *And be it further enacted, by the authority aforesaid, that said regiment, from and after the passing of this act, shall have, exercise, and enjoy all the powers and authorities that any other separate and distinct regiment in this state does exercise and enjoy, any law to the contrary notwithstanding.*

IV. *And be it further enacted, by the authority aforesaid, that the place for holding general musters for said regiment shall be at the plantation lately occupied by Christopher Irwin.*

V. *And be it further enacted, by the authority aforesaid, that nothing contained in this act shall be considered or deemed descriptive of, or influence any determination respecting the boundaries of a new county, if at a future period such new county should be moved for.*

CHAP. XXIII. *An act for regulating the town of Edenton.*

I. **W**HEREAS it is the interest of every state to regulate the police of its sea-port towns, and encourage their trade, and whereas the laws hitherto passed for regulating the town of *Edenton* have proved very defective, and the method in use of appointing commissioners for the town is inconsistent with the spirit of our present constitution;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that five commissioners for the town of Edenton shall be chosen annually on the first Monday in July of every year, in the presence of the sheriff, or any two Justices of the Peace, for the county of Chowan, and every freeholder who is resident in the said town, and every free man who has resided there for twelve months, and paid public taxes, shall be qualified to vote for such commissioners, which commissioners when chosen, shall have all the powers, and be possessed of all the rights and authorities, in respect to titles to public lots, or otherwise, which any former commissioners had, and were possessed of, so far as is consistent with the purview of this act, any former act, custom or law to the contrary, notwithstanding.*

III. *And be it further enacted, by the authority aforesaid, that the said commissioners may surround the town with a ditch or fence, erecting proper gates on the highways, they shall keep the public streets and bridges in good repair,*

they shall cause a public market house to be erected in some convenient place in this town, and a public wharf to be erected opposite to some street or public lot.

IV. And be it further enacted, by the authority aforesaid, that the said commissioners may let in public lots on the bay that are not immediately wanted for public use, or buildings, on lease, for any term not exceeding fifteen years, the rents to be applied to the use of the town.

V. And be it further enacted, by the authority aforesaid, that the said commissioners shall enjoy and exercise all the powers that have been granted to former commissioners respecting the laying out of streets, and regulating of buildings, and in case they find that any building encroaches on the street they shall either cause the same to be withdrawn, or compromise with the owner for a certain annual rent to be paid for the use of the town.

VI. And be it further enacted, by the authority aforesaid, that every person who is the owner of any lot in the town of Edenton, shall within six months after the passing of this act, cause the same to be cleared from woods and brush, and he shall keep it clean, that no inhabitant of the town, or other person, shall be permitted to keep hogs, goats, or other stock, to graze at large in the commons, except horses and black cattle, and the number of these that may be kept by every free man inhabitant of the town, shall be regulated by the commissioners; no person shall strain a horse in any public street in the town so as to endanger the life of children, or other helpless inhabitants; every person offending contrary to these regulations, or any other laws for regulating the police of the town of Edenton, shall be fined by the justices in any sum not exceeding twenty shillings, to be recovered before any Justice of the Peace, for the use of the town, and they may appoint a clerk, who shall keep a fair and complete record of their proceedings, and be allowed for the same out of any public monies in the hands of the treasurer of said town, such sum as the commissioners shall deem adequate to his services.

VII. And be it further enacted, by the authority aforesaid, that the commissioners for the town of Edenton for the time being, shall be, and in all things act, as a body corporate, that they may implead or be impleaded as such, and bring an action against any person whatsoever for any injury done to any public building or lots in the said town, in the same manner as any private person might do for any injury done to any private property, and the intervention of the annual election shall not be considered to dissolve the body corporate, so as to abate any action depending in any court wherein the said body corporate is a party, but the new commissioners shall in every respect, and to all intent and purposes, (except as to any responsibility for any abuse of office) be considered on the same footing, and standing in the place of their predecessors, and a majority of the commissioners shall be held sufficient to decide upon any business. Provided, that no meeting of the commissioners be held to decide upon any public business, unless notice of the intended meeting, signed by one of the commissioners, shall have been left at the dwelling house of each commissioner, at least twenty four hours before the said meeting.

VIII. And be it further enacted, by the authority aforesaid, that the said commissioners may levy on every lot in the town of Edenton, a tax not exceeding ten shillings specie per ann. and they may lay a tax not exceeding ten shillings specie per ann. on every free man who has been resident in the said town for six months; and in case any person thus taxed shall refuse to pay the same during thirty days after notice of the same in writing, he shall be liable to an action of debt, to be brought by the said commissioners in any court of record, and if judgment shall go against him, the court may assess a fine on the said defendant not exceeding one half of the debt to be recovered, over and above the said debt, to be also applied to the use of the town.

IX. And whereas the court-house in Edenton has been much injured, and is subject to repeated injuries, from the want of proper care, be it therefore enacted, by the authority aforesaid, that the commissioners aforesaid shall repair the said court-house and keep it in order, for which repairs they shall be paid out of such money as has been collected, or may hereafter be collected, for the purpose of erecting a prison or court-house in the town of Edenton, for the district of Edenton.

X. And be it further enacted, by the authority aforesaid, that the commissioners shall appoint one of their body to act as a treasurer, to receive and account for all public monies, of which a regular entry must be made in a book to be kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his accounts with him, and pay any balance remaining in his hands. Provided, that before such treasurer enters upon his office, he shall give bond with good security, payable to the commissioners, and conditioned for the faithful discharge of his duty.

XI. And be it further enacted, by the authority aforesaid, that each commissioner before he enters on his office, shall take, and he is required in the presence of two Justices of the Peace, to take the following oath: I A. B. do swear, that I will faithfully discharge the office and duty of a commissioner for the town of Edenton, agreeable to law, according to the best of my judgment. SO HELP ME GOD.

XII. And be it further enacted, by the authority aforesaid, that all and every former act or acts passed for the regulation of the town of Edenton so far as the same, or any part thereof, is or are inconsistent with this act, is and are hereby repealed and made void.

CHAP. XXIV. An act for the promotion of learning in the district of Edenton.

I. WHEREAS the good education of youth has the most direct tendency to promote the virtue, increase the wealth, and extend the fame of any people, and as it is the indispensable duty of every legislature to con-

sult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life; and whereas it is represented that a public seminary of learning is much desired in the district of *Edenton*, and that some provision is already made for such an institution;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Mr. Isaac, Mr. Gregory, Mr. Charlton, Mr. Samuel Johnston, Mr. Everette, Mr. Lawrence Baker, and doctor Hugh Williamson, shall be, and they are hereby declared to be a body corporate, to be known and distinguished by the title of the trustees of Smith's Academy, in the district of Edenton; and the said trustees shall appoint annually out of their own body a president, a treasurer, and a secretary of the corporation, and they the said trustees shall keep a public seal, and the same may alter or amend at pleasure; they shall be capable of suing or being sued at law; they may purchase lands and the same dispose of at pleasure; they may receive donations or legacies or money, lands and other property. Provided, the interest, rents, and net profits of their capital, shall not at any time exceed three thousand Spanish milled dollars per annum: in general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.*

III. *And be it further enacted, by the authority aforesaid, that the trustees having purchased or erected proper buildings, for a public seminary in some convenient part of the district, shall employ one or more teachers in the same by the name of rector, professors, and tutors whom they may remove or displace if they should find it necessary.*

IV. *And be it further enacted, by the authority aforesaid, that the trustees shall appoint their public visitations of the Academy once every six months, when they shall examine what progress is made by the several students, at which visitations they may, for the encouragement of learning, give certificates to any students concerning the progress they have made in any species of learning. Provided always, they shall not on any account grant degrees or sit for such as the degree of bachelor or master of arts, or doctor in any faculty.*

V. *And be it further enacted, by the authority aforesaid, that the trustees shall not in any case sell public lands, or dispose of public money, unless when a majority of the board is present, or during their stated half yearly visitations, nor then unless written notice has been given by the president or secretary to each member at least four weeks before the visitation, signifying the proposed disposition or sale.*

VI. *And be it further enacted, by the authority aforesaid, that on the death of any trustee, or in case any trustee should refuse to serve, or should so far neglect the duty he owes the public, as to absent himself from the stated or extraordinary meetings of the board for two full years, the remaining trustees considering the seat of such deceased, resigning, or absenting member as vacant, shall at their next meeting elect some fit person to serve in his place.*

VII. *And be it further enacted, by the authority aforesaid, that no rector, professor or tutor, may at any time be chosen a trustee of the Academy. That the Governor of the state for the time being, though not a trustee, may at any of their visitations take a seat with them.*

VIII. *And be it further enacted, by the authority aforesaid, that the rector, professors and tutors in the Academy, shall be exempted from military duty. Provided, no person shall claim this exemption unless he has been at least six months a stated teacher in the Academy, and continue in that duty. Provided also, the number of teachers shall not exceed three.*

IX. *And be it further enacted, by the authority aforesaid, that nothing contained in this act shall be considered as tending to prevent the trustees from distinguishing their public hall, their museum, or their library, by the names of such persons as may within twelve months, give the most liberal donations to this seminary.*

CHAP. XXVI. *An act for appointing commissioners to examine the claims of Thomas Clark, and others, against the estate of James Murray, and other purposes therein mentioned.*

I. **W**HEREAS it has been represented to the General Assembly of the state of North Carolina, by memorial from *Thomas Clark*, colonel of the first regiment of North Carolina continental troops, *John Innis Clark*, brother to the said *Thomas*, and *Anne*, sister of said *Thomas* now wife of *William Hooper*, by her said husband, that *James Murray*, formerly of the state of North Carolina, but who from the beginning of this war has attached himself to the enemies of the United States; and has incurred the forfeiture of his estate, real and personal, under the regulations of certain acts of Assembly now in force against persons within the said description, after the payment of all just debts out of such estate which may be due and owing to the good inhabitants of any of the United States; and whereas the memorialists have set forth that the said *James* is greatly indebted to them, and as it is highly reasonable that the said memorialists should, from the estate of the said *James* have and receive what in equity and good conscience is due and owing to them;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Samuel Ashe, Alfred Moore, Thomas Craike, John Lillington, Caleb Grainger, John Moore, and James Gillispie, be, and they, or a majority of them, are hereby appointed commissioners to hear all such matters and things as the said memorialists have set forth, or may hereafter urge, for and in support of their claims against the said *James Murray*, and to receive all such proof as may be offered by the memorialists, or others in their behalf, which proof would be admissible in a court of equity, under the circumstances set forth at large in the memorial referred to; and the said commissioners shall also hear all such testimony as shall be offered against the claim on them and of the said memorialists, and for that purpose shall summon witnesses to appear and give evidence, or produce books or*

papers respecting the same, and all persons summoned and failing to attend and give evidence, or produce papers or books accordingly, shall for such offence forfeit and pay one hundred pounds specie, to be recovered by action of debt, in the name of the Governor for the time being, for the use of the State.

III. And be it further enacted, by the authority aforesaid, that the said commissioners shall themselves, if one of them be a Justice of the Peace in the county where they shall meet for the purposes aforesaid, administer an oath to all such as shall appear as witnesses, and if no one of the said commissioners be a Justice of the Peace in the said county, some other Justice of the Peace may administer the said oath in the presence of the said commissioners, and the said commissioners are further empowered to admit such written testimony as may be adduced under the restrictions aforesaid.

IV. And be it further enacted, by the authority aforesaid, that the said commissioners before entering on the duties of their appointment, shall take the following oath: I A. B. do swear that I will faithfully inquire into, and according to equity and good conscience a true return make, on the claim of Thomas Clark, John Innis Clark, and Anne Hooper, by her husband William Hooper, against the estate of James Murray. SO HELP ME GOD.

V. And be it further enacted, by the authority aforesaid, that after the said commissioners shall have fully heard and considered the claims of the said memorialists, if it shall appear to their satisfaction that the said James Murray is inequity and good conscience indebted to the said memorialists, they shall certify the same to the next General Assembly that further proceedings may be had thereon, to the end that justice may be done in the premises.

CHAP. XXVII. An Act for establishing a town on the lands formerly belonging to Colonel James Bonner, at the forks of Tar river, in the county of Beaufort.

WHEREAS it hath been represented to this General Assembly, that in the year of our Lord one thousand seven hundred and seventy six, thirty acres of land was purchased by a number of persons for a town from Col. James Bonner, at a place generally known by the name of the Forks of Tar river, bounded on the east by land lately belonging to Daniel Maxwell, deceased, on the north by land belonging to the said James Bonner, on the west by William Boyd, and Thomas Simmon's land, and on the south by the river Pamlico, which said land hath been laid out into half acre lots, with streets, &c. and whereas several habitable houses are already erected thereon, and the same might be improved if it was erected into a town by lawful authority;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said thirty acres of land be, and the same is hereby constituted, erected, and established a town, and shall be called by the name of Washington.

III. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, Nathan Keais, esquire, Richard Blackledge, John Bonner, James Bonner, jun. and John Grey Blunt, be, and every of them are hereby constituted and appointed commissioners for designing, building and carrying on said town, and they shall stand seized in an indefeasible estate in fee simple in the said thirty acres of land, to and for the uses, intents and purposes, herein expressed and declared, and that the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think it necessary, and cause an exact plan of the said thirty acres of land to be made, first laying off convenient streets, which are to have regard as much as may be to the houses and improvements already made on said land, and to insert the mark or number of each lot, and also the name and width of the streets, which plan shall be kept in some convenient place in the said town for the view of such persons as incline to have a lot or lots in the same.

IV. Provided nevertheless, that nothing in this act contained shall be construed to extend or grant power to the said commissioners, or their successors, to dispose of, or interfere with the titles of any lot or lots already layed in the said town, or for any which any person or persons have at the time of passing this act a deed of sale or conveyances, signed and executed according to law, by the said James Bonner, and Mary his wife.

V. Provided nevertheless, that every grantee of any lot or lots in the said town so conveyed shall within two years next after the expiration of the present war with Great Britain, erect, build and finish, on each lot so conveyed, one good habitable stone, brick, or framed house, with a brick or stone chimney not less than sixteen feet square, or proportionable to such dimensions, and if the owner of any lot shall not comply with the directions in this act prescribed for building and finishing a house thereon, then such lot shall be reverted to the said commissioners, and the said commissioners, or a majority of them, may, and they are hereby authorized and empowered to sell such lot, in the same manner as if the same had never been sold or granted; and in case of refusal or neglect of any purchaser to pay the sum agreed for, the said commissioners shall and may commence and prosecute a suit in their own names for the same, and thereon recover judgment and costs.

VI. And be it further enacted, by the authority aforesaid, that the lots number twenty one and number fifty, shall be deemed saved lots, and shall be appropriated to and for the use of the town, in such manner as the commissioners of the said town shall think proper, and shall be called public lots, and that the deeds already made by Colonel James Bonner, and Mary his wife, for the two before mentioned lots, shall vest in the commissioners for the use being a fee simple estate, to and for the purposes aforesaid.

VII. And be it further enacted, by the authority aforesaid, that all the monies which shall arise by the sale of lots forfeited in said town, shall be paid to the commissioners for the time being, and by them applied for the benefit and improvement of said town, in such manner as a majority of the said commissioners shall think proper.

VIII. And be it further enacted, by the authority aforesaid, that the commissioners, or a majority of them, shall have full power and absolute authority to pass such necessary rules and orders as to them shall seem meet for removing all nuisances within the bounds of the said town, for persons to remove dirt and rubbish from before their doors, to make proper drains and water courses through their lots, for pulling down all wooden chimneys already built in the said town, and preventing the building thereof for the future, in order to prevent danger of fire. *Provided*, that six months notice be given to the owners of such chimneys as are already built to pull down the same, and for all other things that may tend to the improvement and advantage of the said town, so as the same be not repugnant, but as near as may be agreeable to the laws of this state.

IX. And for continuing the succession of the said commissioners, be it further enacted, by the authority aforesaid, that in case of the death, refusal to act, or other incapacity of any of the said commissioners, the remaining commissioners, or a majority of them, shall assemble at the said town, and are hereby empowered from time to time, by instrument in writing under their respective hands and seals, to nominate and appoint some other person (being a freeholder of said town) in the place of him so dying, refusing to act, or removing away, which new commissioner so nominated and appointed, shall from thenceforth have the like power and authority in all things and matters herein contained, as if he had been expressly named and appointed in and by this act.

CHAP. XXX. An act to amend the several acts passed in this state, to prevent the stoppage of the passage of fish up the several rivers therein mentioned.

I. WHEREAS the good purposes intended by the above mentioned acts have not been answered by reason of the depreciated state of our currency, the penalty becoming inconsiderable, and the person offending against any of the said laws may procure some friend to bring suit, and thereby extricate himself from payment thereof;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that any person or persons offending against any of the said acts, he or she so offending shall forfeit and pay the sum of fifty pounds specie, for every twenty four hours he or she shall or may offend against the said act or acts, to be sued for in a separate suit for each day he or she may so offend, to be recovered before any jurisdiction having cognizance thereof, by any person who shall sue for the same, one half to the person who may sue for the same, the other half to the use of the poor of the county where the plaintiff is a resident.

III. And be it further enacted, by the authority aforesaid, that Neuse river shall be kept open in like manner as the other rivers mentioned in the several above recited acts, and any person or persons offending herein, shall be liable to suffer the same penalties, and to be recovered in the same manner as other fines and penalties by this act are directed.

CHAP. XXXII. An act to empower the commissioners therein mentioned to repair the public buildings in the town of Hillsborough, and other purposes.

I. II. III. IV. and V. Obsolete.

VI. AND be it further enacted, by the authority aforesaid, that every freeholder of the town of Hillsborough, residing in this state, shall within the term of five months after the passing of this act, pave six feet wide of the street in full front of his lot with good brick or stone, and inclose the same with strong posts and rails; and in case any freeholder of said town of Hillsborough shall refuse or neglect to pave and inclose with posts and rails the street in front of his lot as above directed, shall pay the sum of twenty pounds specie, to be recovered by warrant under the hands and seals of the commissioners, or a majority of them, that shall be hereafter nominated and appointed by this act, directed to any person they shall appoint to collect the same, which collector is hereby empowered to collect, and make distress in like manner as other collectors of public or county taxes are empowered by law, and the money arising therefrom, after deducting five per cent. commissions, shall be by him paid into the hands of the commissioners of said town, and to be by them applied to keeping the streets in good repair.

VII. And be it further enacted, by the authority aforesaid, that William Hooper, James Hogg, John Ellis, William Courtney, John Shields, Benjamin Leonard, and John Taylor, are hereby nominated and appointed commissioners for the town of Hillsborough, and shall have full power and authority to act and do every thing that former commissioners for said town lawfully might do, or have done, and keep the streets in good repair and order, and to appoint an overseer of the streets, who shall have full power to summons the inhabitants of the said town to work on the streets at any time when it may be necessary, and in case the said overseer shall neglect to keep the streets in good repair, or in case any inhabitant of said town, who after being summoned by the overseer, shall refuse or neglect to work on the said streets, he or they shall forfeit and pay the sum of twenty shillings specie, to be recovered as before mentioned in this act, and paid into the hands of the commissioners of said town, to be applied towards keeping the said streets in order, or in case any of the said commissioners should die, neglect, or refuse to act, or remove away, it shall and may be lawful for the freeholders of said town to assemble and elect another or others, and he or they so elected shall be invested with the same power and authority as those nominated and appointed by this act.

CHAP. XXXIV. *An act to encourage Caleb Grainger to build a bridge over Smith's creek, at the place where the late bridge stood in New-Hanover county.*

I. **W**HEREAS a bridge over Smith's creek at the place where the late bridge stood would be convenient for travellers, and productive of much public good, and Caleb Grainger being desirous of building one there at his own expence, on condition of having the benefit thereof for the space of twenty five years;

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that it shall and may be lawful for the said Caleb Grainger, his heirs, executors, administrators or assigns, to erect and build a good substantial bridge over Smith's creek at the place aforesaid, and after building a bridge as aforesaid, it shall and may be lawful for the said Caleb Grainger, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same the following rates, that is to say, for every footman two pence, for every man and horse four pence, for every horse and chair one shilling, for every four wheeled riding carriage including horses drawing the same two shillings, for every cart eight pence, for every waggon one shilling and four pence, for every led horse or work ox two pence, for every head of neat cattle one penny, for every head of hogs or sheep one half-penny.

III. *And be it further enacted, by the authority aforesaid,* that after the said bridge is built and completed as aforesaid (provided the said bridge shall be so done within two years after the passing this act) it shall not be lawful, during the time the said bridge is kept in repair and fit for travellers and carriages to pass and repass over the same, for any person or persons whatsoever, to keep any ferry, build any bridge, or let any person or persons, carriage or carriages, cattle, hogs or sheep, over the said creek for fee or reward, within two miles of the same, during the term aforesaid, under the penalty of twenty shillings specie for each and every offence, to be recovered by warrant by the said Caleb Grainger, his heirs executors, administrators or assigns, before any Justice of the Peace for the county of New-Hanover, to be applied to the use of the proprietor of the bridge built by the said Caleb Grainger, and during the said time the right and property of the said bridge is hereby vested in the said Caleb Grainger, his heirs, executors, administrators and assigns.

IV. *And be it further enacted, by the authority aforesaid,* that when the aforesaid bridge shall be built, the aforesaid Caleb Grainger, his heirs, executors, administrators or assigns, shall keep the same in good order and fit for passing over, during the time aforesaid.

V. *Provided nevertheless,* that no toll shall be demanded or received for public waggons carrying public stores or supplies for the use of the army, or any detachment thereof, or for any troops, and all persons having occasion to attend general or private musters, or the annual or other elections for members of the General Assembly.

CHAP. XXXVI. *An act to vest in Frederick William Marshall, Esquire, of Salem, in Surry county, on the lands of the Unitas Fratrum, in this state, for the use of the united brethren, and other purposes.*

I. **W**HEREAS Frederick William Marshall, esquire, of Salem in Surry county, hath made it appear to this General Assembly, that all the tracts of land in this state belonging to the lord advocate, the chancellor and the agent of the Unitas Fratrum, or united brethren, have been transferred to him from the former possessors, in trust for the Unitas Fratrum, or united brethren; and whereas doubts have arisen whether the said tracts do not come within the description of the confiscation act; and to quiet the minds of those to whom conveyances have been, or are to be made, of any part or parts thereof;

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that a certain deed of lease and release, dated the twenty seventh and twenty eighth of October, one thousand seven hundred and seventy eight, from James Hutton, conveying the tract of Wochovia, in Surry county, to said Frederick William Marshall, be hereby declared valid in law, and to be admitted to probate in the county of Surry, and registered in the registers office thereof, agreeable to the testimonials thereunto appertaining; and that all lands which by a deed of bargain and sale of the twentieth of April, one thousand seven hundred and sixty four, between William Churton and Charles Medcalf, registered in the county of Orange, in book number one, page one hundred and six, and in Rowan county, in book E, number five, page four hundred and fifty two, &c. were then conveyed to said Charles Medcalf, be hereby vested in the said Frederick William Marshall in trust as aforesaid; and all conveyances of the above mentioned lands, or any of them, made, or which shall be made by the said Frederick William Marshall, shall be as good and valid to all intents and purposes as if the confiscation act had never passed.

III. *And be it further enacted, by the authority aforesaid,* that the power of attorney of Christian Frederick Coffart, dated the third of November, one thousand seven hundred and seventy two, empowering said Frederick William Marshall to sell his lands, be admitted to probate and registry in the county of Wilkes, and be as good and valid in law as it could or might have been, had the act of confiscation never passed.

CHAP. XXXVII. *An act to vest the title of a certain tract of land in Robert Cummins.*

I. **W**HEREAS it hath been made appear to the satisfaction of the General Assembly, that Robert Cummins, of Guilford county, did purchase of a certain Archibald and John Hamilton, a certain tract of land in the county

afore said, on the waters of *Reedy Fork*, containing two hundred and twelve acres, and bounded as follows, viz. beginning at a white oak, corner to the land of *Edward Gilbert*, running thence on his line west twelve chains and twenty five links to a white oak sappling, thence north fourteen chains and a half to a post oak, thence east, crossing *Buffaloe*, sixty nine chains to a white oak, thence south thirty four chains and a half to a white oak, thence west fifty six chains and twenty five links to a white oak sappling, thence north, crossing the *Buffaloe* to the beginning, twenty chains; and the said *Robert Cummins* having paid part of the purchase money, and taken bond of the said *Archibald* and *John Hamilton*, conditioned for the making to the said *Cummins* a good title in fee simple in and to the said land; and whereas the said *Archibald* and *John Hamilton* afterwards and before any legal title could be obtained from them for the land afore said, did withdraw themselves from this state and did attach themselves to the enemies of the United States, whereby all the lands and tenements, goods and chattles, are become forfeited to this state, and it being reasonable that the said land as afore said, purchased of them by the said *Robert Cummins*, be protected from confiscation and secured unto him;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that *James Martin*, *John Peasly* and *John Gillispie*, commissioners of confiscated property in the said county of *Guilford*, they or any two of them receive whatever part of the purchase money is due by the said *Cummins* in specie, provided the same be tendered within six months, and that thereupon the said commissioners, or any two of them, be authorized and empowered to make and execute unto the said *Robert Cummins* a good and sufficient deed of conveyance, to him, his heirs and assigns, for the said land, all which proceedings, at the proper cost and charges of the said *Robert Cummins*, when had and done, shall be deemed sufficient in law to vest in him all the right and title which this state hath, or may have acquired, in and to the same, by confiscation, forfeiture or otherwise, any law to the contrary notwithstanding.

CHAP. XXXVIII. An act to confirm a certain patent therein mentioned.

I. WHEREAS it appears that a patent was obtained from Government by *John Ward*, for six hundred and forty acres of land in *Beaufort* county, now *Dobbs* and *Pitt* counties, on both sides of *Little Contentney* creek, on the eighteenth day of *November*, in the year of our Lord one thousand seven hundred and forty four, which tract of land hath been ever since quietly and peaceably possessed by the said *John Ward*, and others claiming under him by purchase or devise, and although the said patent hath been recorded, and enrolled in the proper offices, yet it does not appear to have been signed by the Governor, from which circumstance some doubts have arisen respecting the validity thereof;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said patent for six hundred and forty acres of land, granted to the said *John Ward* deceased, as afore said, lying in the counties of *Dobbs* and *Pitt*, situate on both sides of *Little Contentney*, beginning at a pine on the south side of *Little Contentney*, running east three hundred and twenty pole through the swamp to a pine, thence north three hundred and twenty pole through the swamp to a pine, thence north three hundred and twenty pole to an oak, thence west three hundred and twenty pole to a pine, thence south three hundred and twenty pole to the first station, be hereby confirmed, ratified, and made valid in law, and the said six hundred and forty acres of land vested in the devisees and assignees of the said *John Ward*, their heirs and assigns for ever, regard being had to their respective proportion.

CHAP. XXXIX. An act for establishing a copy of a deed therein mentioned.

I. WHEREAS it hath been made appear to the General Assembly, that *William Hermitage*, late of *Craven* county, esquire, did sell certain lands lying in *Craven* county, in this state, to *William Lister*, late of said county deceased, and that the said *William Hermitage* did, in due form convey the said lands by deed of bargain and sale under his hand and seal, dated the twenty eighth day of *March*, in the year of our Lord one thousand seven hundred and forty eight, to *Phoebe Lister* and *Mary Lister*, the surviving and only heirs of the said *William Lister*, and that the said deed from unavoidable casualties has not yet been registered, although it hath been duly proved agreeable to law, and since lost; and as *Richard Nassau Stephens*, husband to *Mary Stephens*, now sole surviving heir of the said *William Lister*, hath obtained and produced to the General Assembly a paper purporting to be a true copy of the afore said deed from *William Hermitage*, to *Phoebe* and *Mary Lister*, for the following lands, to wit, all that messuage or tenement, lot or half acre of ground, situate lying and being in the town of *Newbern*, in *Craven* county, in this state, which is known and distinguished by number fifty one, lying on the south side of the lot commonly known by the name of the church lot together with the said church lot, with all the houses, edifices and buildings, whatsoever thereon standing, and also two tracts of land lying in *Craven* county, on the north side of *Trent* river, the one tract bounded as followeth, viz. upon *Lawson's* branch beginning at two red oaks, the upper corner trees of *Richard Elliot's* land, and running thence north forty five degrees east eighty four pole, thence north twenty nine west twenty pole, thence west one hundred pole, thence south sixty west fifty six pole to a pine, thence south seventy eight west one hundred and sixteen pole to a pine, thence north sixty west one hundred and forty six pole to a pine, thence south forty three west sixty three pole to a pine, thence south thirty three east ninety two pole, thence south sixty east two hundred and twenty one pole to a pine, thence north forty two east seventy one pole, thence north sixty eight east ninety four pole

a red oak by the side of a branch, branching from *Lawson's* branch, commonly called the *School-house* branch, thence with a straight line to the beginning, containing three hundred and twenty six acres: and one other tract of land on the same side of *Trent* river, a mile above *Newbern*, beginning at a white oak, a corner tree of *Gallen Pollock's* lands, thence south fifty degrees west one hundred and sixty pole to a red oak, thence south forty east two hundred pole to a pine, thence north fifty east one hundred and sixty pole to a cypress, thence to the first station, containing two hundred acres of land; and the said copy of a deed for the before recited lands, signed with the name of *William Herritage*, and attested by *John Wright*, *John Rice*, and *Richard Lovick*, bearing date the twenty eighth day of *March*, in the year of our Lord one thousand seven hundred and forty eight, and the probate thereof as attested by *E. Hall*, the then chief Justice, having been made appear to the satisfaction of the General Assembly to be the true, absolute, and exact copy of the before mentioned original deed of sale;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that it shall and may be lawful for the register of the county of Craven, and he is hereby required, on application of the said Richard Nassau Stephens, or any person on behalf of the said Mary Stephens, to cause the before recited copy of a deed to be registered in the register's office of said county, and the said copy is hereby declared to be good and valid in law and equity, and shall for ever hereafter be deemed and considered as an original deed of bargain and sale, for all and every the lands therein mentioned, any law, usage or custom, to the contrary notwithstanding.*

CHAP. XL. *An act to vest in John Hay, the property of certain lands in Duplin county.*

I. **WHEREAS** it was resolved by an Assembly, held at *Newbern*, in the month of *April* one thousand seven hundred and eighty that a law, vesting in *John Hay*, his heirs and assigns, two thousand eighty three and one third acres, part of a survey of land patented by the late Governor *Dobbs*, containing six thousand acres, more or less, in *Duplin* county, and bounded to the southward and eastward by the six runs, and *Alexander Stewart's* survey, &c. to the northward and westward by *John Sampson's* and *Smith's* lands, should pass: to carry which resolve into effect,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that William Dixon, James Kenan, and James Moore, be, and are hereby appointed commissioners, who shall cause to be surveyed and laid off unto said John Hay, in as small a number of surveys as is practicable, two thousand and eighty three acres and one third of an acre of said land, in such manner as to them, or any two of them, may appear just.*

III. *And be it further enacted, by the authority aforesaid, that the surveyor shall make two sets of plots of his surveys, one copy of which he is to deliver to the said John Hay, and the other into the registers office of Duplin county, there to be recorded by the proper officer, which record shall be expressed to be made pursuant to this act.*

IV. *And be it further enacted, by the authority aforesaid, that the sheriff and commissioners of confiscated property for Duplin county, or either of them, shall, and they are hereby directed to give to John Hay aforesaid, entry and possession of all and every part of the aforesaid two thousand eighty three and one third acres, to have and to hold the same by himself, his heirs and assigns for ever, against all persons whatsoever claiming otherwise than under Arthur Dobbs aforesaid.*

VII Year of the Independence. The 18th of April, 1783. First Session.

CHAP. XXIV. *An act for the promotion of learning in the district of Wilmington.*

I. **WHEREAS** the good education of youth has the most direct tendency to promote the virtue, increase the wealth, and extend the fame of any people, and it is the indispensable duty of every legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life; and whereas it is represented that a public seminary of learning is much desired in the district of *Wilmington*, and that some provision is already made for such an institution.

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the honourable Samuel Ashe, Archibald McLaine, William Hill, Thomas McGuire, John Ingram, John Hay, the honourable Edward Starkey, John Lillington and Robert Shaw, esquires, shall be, and they are hereby declared to be a body corporate, to be known and distinguished by the title of the trustees of Innis Academy, in the district of Wilmington; and that the said trustees shall appoint annually out of their own body a president, secretary, and treasurer of the corporation, and they the said trustees shall keep a public seal, and the same may alter and amend at pleasure; they shall be capable of suing or being sued at law; they may purchase lands, and the same dispose of at pleasure; they may receive donations and legacies in money, lands and other property, provided the interest, rents and net profits of their capital, shall not at any time exceed three thousand Spanish milled dollars per annum; in general they shall do or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.*

III. *And be it further enacted, by the authority aforesaid,* that the trustees having purchased or erected proper buildings for a public seminary in some convenient part of the district, shall employ one or more teachers, by the name of rector, professors and tutors, whom they may remove or displace if they should find it necessary.

IV. *And be it further enacted, by the authority aforesaid,* that the trustees shall appoint their public visitations of the academy once in every six months, when they shall examine what progress is made by the several students, at which visitations they may for the encouragement of learning, give certificates to any student concerning the progress they may have made in any species of learning. *Provided always,* they shall not on any account grant degrees or titles, such as bachelor or master of arts, or doctor in any faculty.

V. *And be it further enacted, by the authority aforesaid,* that the trustees shall not in any case sell public lands, or dispose of public property unless when a majority of the board is present, or during their stated half yearly visitations, nor then unless written notice had been given by the president or secretary to each member at least four weeks before the visitation, signifying the proposed disposition or sale.

VI. *And be it further enacted, by the authority aforesaid,* that on the death of any trustee, or in case any trustee should refuse to serve, or should so far neglect his duty as to absent himself from the stated or extraordinary meetings of the board for two full years, the remaining trustees considering the seat of such deceased, refusing or absenting member as vacant, shall at their next meeting elect some proper person to serve in his place.

VII. *And be it further enacted, by the authority aforesaid,* that no rector, professor or tutor, shall or may at any time be elected or chosen a trustee of the academy; the governor of the state for the time being, though not a trustee, may at any time of their visitations take a seat with them.

VIII. *And be it further enacted, by the authority aforesaid,* that the rector, professors and tutors of this academy, and all other academies and public schools in this state established by law, shall be exempt from military duty during their continuance in those offices, provided the number of teachers in any of the said academies or public schools shall not exceed three. *Provided also,* that all scholars and students entering into the said academy, or any other public school, and being of the age of fifteen years or under at the time of entering, shall during their continuance thereat be exempt from all military duties.

IX. *And be it further enacted, by the authority aforesaid,* that nothing contained in this act shall be considered as tending to prevent the trustees from distinguishing their public hall, their museum, or their library by the names of such persons as may within twelve months give the most liberal donations to the seminary.

X. *And whereas James Innis, late of New-Hanover county, deceased, did in and by his last will and testament devise and bequeath to certain public officers therein named, the house and plantation where he commonly resided, commonly called Point Pleasant, with other lands, negro slaves, and other things in the said will mentioned, for the use of a school in New-Hanover county; and whereas the said legacy and devise yet remains to be received, and the said house and other buildings on the plantation aforesaid have lately been destroyed by fire, in order therefore that the testamentary donation of the said James Innis, and all other donations, devises, and bequests, which may have heretofore been made towards erecting a school or seminary of learning in the county of New-Hanover, or in the district of Wilmington, generally be applied for the good purposes for which they were intended; be it enacted, by the authority aforesaid, that all such donations, devises and bequests, heretofore made for the purposes aforesaid, be and they are hereby vested in the said trustees and their successors for ever, for the use of the seminary intended to be erected by virtue of this act; and the said trustees are hereby impowered and required to sue for, recover and receive the same and every part thereof, and to take all lawful ways and means for that purpose.*

XI. *And whereas from the situation of the said plantation called Point Pleasant, and the want of buildings thereon, to fulfil the intention of the donor, it may be found expedient to dispose of the same, and of such other real estate as the said James Innis bequeathed for the use of the school as aforesaid; be it therefore enacted, by the authority aforesaid, that if the said trustees or a majority of them, shall judge the same expedient, they may sell and dispose of all such real estate of the said James Innis as has been devised for the use of such school, they giving such public notice of the intended sale, and such credit for purchase money, as may be necessary for the disposal thereof to the best advantage.*

XII. *Provided,* that the trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed in them by this act, give bond to the court of New-Hanover county, payable to the Governor for the time being, and his successors in office, in the sum of five thousand pounds specie, with condition that they shall well and faithfully apply and account for all gifts, donations and monies, which they may receive in consequence, and by virtue of this act for the purposes aforesaid.

CHAP. XXV. *An act for appointing the several persons therein named to lay out the streets in Upper-Camblerton, in Cumberland county, and for the future regulation of the said town, and giving a further time for saving of lots in the lower town, and also for altering the name of Camblerton to Fayetteville.*

I. **W**HEREAS the confusion occasioned by the late war, the town of Camblerton in Cumberland county still continues in its former irregular form, notwithstanding an act passed at Newbern, intitled, *an act for the regulation of Camblerton, and erecting public buildings*; and whereas the said town from its convenience to the western settlements and the easy transportation of goods down Cape Fear river, must necessarily become a great mart for the pro-

duce of the interior country, and many of the inhabitants of the said town being now making preparation for repairing their houses, or erecting new ones, it becomes necessary that the streets should be regulated without delay, so as to occasion as little expence and inconvenience as possible to the proprietors of lots and houses: and whereas it is found by experience that appointing commissioners for the purposes aforesaid who reside in the said town, will not answer the intention of this act, the jarring interest of different parties preventing them from agreeing upon any one plan; for remedy whereof, *§ 81.*

II. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that from and after the passing of this act, the town of *Cambleton* shall be called and known by the name of *Fayetteville*, and the two parts thereof shall be distinguished by the name of the upper and lower town; and that *Thomas Wade, James Gillispie, John Hay, Thomas Owen, Amrose Ramsey, Matthew Jones, and Thomas Per-son*, Esquires, or a majority of them be, and they are hereby appointed commissioners for laying out the streets of the said town in the most regular and convenient manner in which the same can be done, and with as little injury to the proprietors of lots and houses therein as may be, and that the principal streets be one hundred feet wide, and all other streets as wide as the particular situation of houses and lots will admit; and the said commissioners or a majority of them are hereby directed to lay out a square or squares for public buildings, in such part of the said town as may be found most eligible; and of such ground as may be offered for that purpose by any of the said proprietors, and take a conveyance or conveyances of the same for the use or uses for which such square or squares shall be so laid off, and set apart.

III. And whereas it may be convenient and necessary to lay out streets so as to include houses and lots, or part of lots, and many of the lots in the said upper town are very small and irregular, and run back diagonally from the streets as they now stand, and may probably continue much in the same direction when the streets shall be laid off as by this act directed; *be it therefore enacted, by the authority aforesaid,* that the commissioners of the said town shall avoid as much as possible the laying out streets so as to include houses which they may deem of any considerable value, and where it may be necessary to lay out streets which may include the whole or any part of any lot or lots, the same portion of ground which the proprietor or proprietors thereof now possess shall be laid joining the new street, in the most convenient form so as to contain the same number of square feet which such proprietor or proprietors now possess respectively, and the lots behind such lots so to be laid off, shall go backwards progressively, untill all the lots shall be laid out according to the plan to be established in virtue of this act, and when the streets and lots shall all be laid off and ascertained as aforesaid, the commissioners shall cause the back lots, (which they are hereby directed to take from ground not hitherto laid out into lots) to be valued by a jury of six freeholders, three to be chosen by the proprietors of the ground and three by the commissioners; such freeholder to be indifferent with respect to the parties concerned, who are directed and hereby empowered to summons them to attend and value upon oath, to be administered by the said commissioners or some of them, the back lots; which oath shall be in the following form, *to wit:*

YOU and every of you shall well and truly appraise the lot of ground now shewn you, containing in width *feet*, in length *feet*, according to the best of your judgment, to the sum of money which would have been its real value previous to passing of an act intituled, *An act for altering the name of Cambleton to Fayetteville; and for appointing commissioners to lay off streets for the regulation of the upper town, and for giving a further time for laying off lots in the lower town.*

IV. *And be it further enacted, by the authority aforesaid,* that the said commissioners in their discretion shall give such time as to them shall appear reasonable for the removal of any buildings which may be situated in whole or in part, on any new street or streets to be laid off by virtue of this act, having regard to the value and present condition of such buildings, and the cellars and chimnies, if any, which make part thereof; but during the continuance of any such building or buildings on the streets, it shall not be lawful for any person or persons whatsoever to make any repairs on the same other than such slight repairs as may be necessary to render them useful for the purposes for which they may be intended, to be adjudged and determined by the directors of the said town herein after mentioned. *Provided always,* that such directors shall not give liberty to make any cellars, build any chimnies, or render any house habitable which is not so at present, which may be situated wholly, or in part on any new street.

V. *And be it further enacted, by the authority aforesaid,* that the said commissioners shall cause an exact survey to be made of the said upper town, and a plan thereof in which shall be mentioned all the streets, passages and lots of ground, and to whom they belong, according to the information they may receive, which plan shall be returned to the next session of the General Assembly, and lodged in the Secretary's office, and a copy thereof with the clerk of the county wherein the said town is, or with the directors herein after mentioned, and shall each be certified by the commissioners, or a majority of them, and all sums of money which the said commissioners shall award and direct to be paid by any person or persons to any other person or persons, for or by reason of the shifting of any situation for the convenience of commodious streets and passages, shall be certified under their hands, and the person intitled to receive the same shall and may maintain an action for the recovery, before any jurisdiction having cognizance thereof.

V. *And be it further enacted, by the authority aforesaid,* that the said commissioners before entering upon their office shall take the following oath before any Justice of the peace:

I A. B. do solemnly swear that I will well and truly, according to the best of my judgment, and without prejudice or partiality, cause to be laid off the streets, passages and squares, in the town of Fayetteville, pursuant to the directions of this act. **SO HELP ME GOD.**

VII. And for the good government and regulation of the said town for the future, be it enacted, by the authority aforesaid, that Robert Cockran, Robert Rowan, James Patterson, Lewis Burge, Robertson Montford, James Burges, and John Ingram, Esquires, be and they are hereby appointed directors of the said town for the present year, to regulate the streets and keep the same clean and in repair, and to prevent all encroachments thereon, or nuisances in any part of the said town, and to do every thing for the good government thereof agreeable to the directions of this act, their power to commence immediately after the commissioners aforesaid shall have executed the trust reposed in them by this act, and continue until the first Monday in January next; and on the said first Monday in January, and on the first Monday in January, in every successive year, all the inhabitants of the said town who shall be entitled to vote for members of Assembly, shall in presence of the old directors, and of the sheriff of the county in which the said town is situated, choose by ballot seven directors to serve for the then present year, and every director shall be resident and have a freehold in the said town, and shall have full power and authority to carry the determinations of the commissioners with respect to the removal of buildings into execution, and to prevent all repairs of such buildings otherwise than is by this act directed; and the said directors and their successors shall be in all things a body corporate, may implead and be impleaded as such for any injury done to any public building in the said town, or for any nuisance in the streets or other parts thereof; and the yearly election shall not operate so as to dissolve the body corporate, or to abate any action in any court wherein the said body corporate shall be a party; and a majority of the said directors shall be deemed sufficient to determine any business of which the said directors shall have cognizance.

VIII. Provided always, that no meeting of the directors shall be held so as to decide upon any business, unless notice of the intended meeting signed by three of the directors, shall have been left at the dwelling-house of each of the other directors, at least twenty four hours before the time of meeting. And provided further, that such notice shall not be held valid unless the director at whose house it shall be left, shall at the time of the delivery of the notice, have been absent at least three days from the said town.

IX. And be it further enacted, by the authority aforesaid, that the directors shall, and they are hereby empowered to lay a tax upon the inhabitants of the said town yearly and every year, not exceeding one shilling for every hundred pounds of their taxable property, and a poll tax on every male between the ages of twenty and fifty years, whose property does not amount to the value of one hundred pounds, to be levied by an officer to be by them appointed for that purpose, and applied to keeping the streets clean and in proper repair, and towards building and keeping in repair such bridges as may be necessary; and they shall take bond with good security from each officer, payable to themselves and their successors, for the faithful discharge of his duty, and for paying all sums to be by him collected and received to the said directors; and the said directors shall appoint one of their own body to be treasurer for the receipt of the said tax, and all penalties, forfeitures and other monies by them receivable, who shall give bond in like manner with the receiver of the said tax. Provided always, that the tax to be raised in the upper town shall not be liable to be applied for keeping the streets of the lower town in order, and vice versa.

X. And be it enacted, by the authority aforesaid, that for prevention of dangers from fire, and that the said town may be more easily kept clean and in good order, the directors may and shall make from time to time, and under such penalties as they shall choose to impose, not exceeding ten shillings for the first offence, twenty for the second, and forty for the third offence, such orders that after a fixed time to be by them limited, no wooden chimnies shall be suffered to remain in the said town, nor any hogs to run at large; and the said directors shall also lay a penalty such as they may think adequate to the offence, on all persons who wilfully or carelessly neglect to obey the directions of the commissioners for laying out the said town, with respect to repairs which may be made to houses any part of which may stand on the new streets, or refusing or declining to remove them at such time as shall be prescribed; and the directors shall and may by warrants under their hands and seals levy such fines and penalties of the goods and chattels of the offender, if any are to be found, and if not may commit him to the prison of the county, there to remain for such time as they shall limit and appoint, not exceeding ten days, and the directors may allow to the officer who shall execute their said warrant and other precepts such reasonable fees as they may think proper, not exceeding the fee which a constable by law is entitled to for serving a warrant or warrants.

XI. Provided always, that it shall and may be lawful for any person who shall think him or herself aggrieved by the judgment or determination of the said directors to appeal from such judgment or determination to the county court of Cumberland, first giving security to prosecute such appeal with effect, or in case he or she should be cast therein, to pay the cost of the court, and the said court is hereby empowered and directed to determine in any summary way.

XII. And be it further enacted, by the authority aforesaid, that if the tax herein before directed to be laid should be found insufficient for keeping the streets and bridges in proper repair, it shall and may be lawful for the said directors or a majority of them to oblige such of the inhabitants who live within the said town to work on the streets and bridges, and for neglect or refusal shall be liable to the same penalties, to be recovered by a warrant from the directors aforesaid.

XIII. Provided always, that the said inhabitants shall not be obliged to work on any other public roads, but shall be wholly exempt therefrom.

XIV. And whereas most of the owners of lots in the lower town have neglected to procure from the commissioners appointed by an act passed at Newbern, on the second day of May, one thousand seven hundred and seventy eight, intituled, *An act for regulating Cambleton, and erecting public buildings, and granting titles for their said lots*, and the confused and unsettled state of the country since that time has prevented proprietors from saving their lots agreeable to law; for remedy whereof, be it enacted, by the authority aforesaid, that the directors appointed by this act, and their successors, are hereby impowered and required at the request of the proprietors, and due proof being made before them, to grant conveyances for lots in the said lower town, to the apparent owner or owners, his, her, or their heirs and assigns respectively, and all such persons as possess lots in the said lower town, shall have a further time of five years from and after the passing of this act to save their lots agreeable to the directions of the before mentioned act, any thing therein to the contrary, notwithstanding.

XV. And be it further enacted, by the authority aforesaid, that in case any owner or owners of lot or lots in the said lower town, shall by forged or fraudulent conveyances or documents induce the directors to give him, her, or them any conveyance or conveyances, for any lot or lots which does not or do not *bona fide* belong to him, her, or them, in that case such conveyance or conveyances shall be adjudged void and fraudulent; any thing in this act, or any law, usage or custom to the contrary, notwithstanding.

XVI. And that such frauds and covin may the more easily be detected. Be it enacted, by the authority aforesaid, that when any person applies to the directors for a conveyance, such person shall not only prove his property, but leave his deeds, documents and proofs, with the directors, with a sufficient sum of money to pay the probate and registry thereof.

XVII. And be it further enacted, by the authority aforesaid, that the clerk of the court of Cumberland county, and the register of the county, shall hold and keep their respective offices in the said town of Fayetteville; and if any of the said officers shall neglect or refuse so to do for the space of six months after the passing this act, the officer so refusing or neglecting shall for every month he shall be a delinquent, forfeit and pay the sum of five pounds, to be recovered by action of debt in the court of the said county, wherein no effoin, injunction, protection or privilege, shall be allowed or admitted, one half to the informer, the other half to the directors of the said town, for the time being, for the use of the town. *The last Section Obsolete. p. 81.*

CHAP. XXVI. *An act for regulating the town of Halifax.*

I. WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Halifax have proved very defective, and the method in use for appointing commissioners for the town is inconsistent with the spirit of our present constitution.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that five commissioners for the town of Halifax shall be chosen annually on the second Saturday in June of every year, in the presence of two magistrates for the said county of Halifax: and every person who is a freeholder in the said town, and every freeman who has resided there for six months, and has paid public taxes, shall be qualified to vote for the said commissioners, which commissioners when chosen, shall have all the powers, and be possessed of all the rights and authorities in respect to titles to public lots or otherwise, which other former commissioners had and were possessed of, so far as is consistent with the purview of this act, any former act or custom to the contrary, notwithstanding.

III. And be it further enacted, by the authority aforesaid, that every person who is the owner of any lot in the town of Halifax, shall within six months, after the passing of this act, cause the same to be cleared from woods and brush, and he shall keep it clear; and that no inhabitant or other persons be permitted to keep hogs, goats, or other stock, to go at large within the said town, except horses and black cattle; and no person shall strain a horse in any public street in the said town; any person offending contrary to these regulations, or any other laws for regulating the police of the town of Halifax, shall be fined by the trustees in any sum not exceeding five pounds, to be recovered before any Justice of the peace, for the use of the said town; and they may appoint a clerk, who shall keep a fair and complete record of their proceedings, and be allowed for the same out of any public monies in the hands of the treasurer for the said town, such sum as the commissioners shall deem adequate to the services.

IV. And be it further enacted, by the authority aforesaid, that the commissioners for the town of Halifax for the time being, shall be and in all things act as a body corporate, that may plead or be impleaded as such, and bring any action against any person whatsoever, for any injury done to any public building or lots in said town, in the same manner as any private person might do for any injury done to any private property, and the intervention of the annual election shall not be considered to dissolve the body corporate so as to abate any action depending in any court wherein the said body corporate is a party but the new commissioners shall in every respect, to all intents and purposes (except as to any responsibility for any abuse of office) be considered on the same footing, and standing in the place of their predecessors, and a majority of the commissioners shall be deemed sufficient to decide upon any business. Provided, that no meeting of the commissioners be held to decide on any business, unless notice of the intended meeting, signed by one of the commissioners shall have been left at the dwelling house of each commissioner at least twenty four hours before the said meeting.

V. And be it further enacted, by the authority aforesaid, that the said commissioners may levy a tax on every lot in

the town of *Halifax*, not exceeding twenty shillings specie *per annum*; and they may levy a tax not exceeding twenty shillings *per annum*, on every freeman who has been a resident for six months; and in case any person or persons thus taxed, shall refuse to pay the same during thirty days after notice of the same in writing, he or they shall be liable to an action of debt, to be brought by the said commissioners before any jurisdiction having cognizance thereof, and if judgment should go against him the court may assess a fine on the said defendant not exceeding one half of the debt to be recovered, over and above the said debt, to be also applied to the use of the said town.

VI. *And be it further enacted, by the authority aforesaid, that the commissioners shall appoint one of their body to act as treasurer to receive and account for all public monies for which a regular entry must be made on a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pay his account to him, and pay any balance there may be in his hands. Provided, that before such treasurer enters upon his office, he shall give his bond with good security payable to the commissioners for the faithful discharge of his duty.*

VII. *And be it further enacted, by the authority aforesaid, that all hogs shall be allowed to run at large in the said town while the first day of January next and no longer, and if found at large in said town after that date shall be subject to the penalty of this act.*

VIII. *And for the better determination who shall be qualified to be elected as a commissioner of the town, be it enacted, by the authority aforesaid, that no person shall be deemed qualified to act as a commissioner of the town of Halifax, unless he is an inhabitant of the said town, and hath a lot therein, with a house on the same of no less dimensions than twenty four feet long and sixteen feet wide, with a brick chimney to it.*

IX. *And be it further enacted, by the authority aforesaid, that each commissioner before he enters on the duties of his office, shall take and he is hereby required to take, in the presence of one Justice of the Peace for the county of Halifax, the following oath:*

I A. B. *do swear, that I will faithfully discharge the office and duty of a commissioner for the town of Halifax, agreeable to law and to the best of my judgment.*

CHAP. XXVIII. *An act to amend an act, intitled, an act for regulating the town of Edenton. p. 100.*

WHEREAS by the aforesaid act the commissioners are impowered to levy a tax not exceeding ten shillings specie *per annum*, on every lot in the town of *Edenton*, but no penalty being fixed on persons refusing or neglecting to give in a list of their lots, some have therefore refused or neglected to give any account of them, although often required by advertisement from the said commissioners; and as by the said act the only method for recovery of taxes due, is by action of debt in a court of record, for which reason no taxes on lots can be recovered unless their owners are known.

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that where the owner of any lot or lots in the town of Edenton shall refuse or neglect to deliver an account or list to the commissioners of said town of his lot or lots with the numbers of them in the plan of said town, the said commissioners may, and they are hereby impowered to cause such lot or lots, after advertising them thirty days, to be sold at public vendue for the payment of the taxes due on them, and the balance, if any, arising from such sale after paying the tax due, shall be returned to the owners upon application made by them to the commissioners, first deducting the expences incident to such sale; and the said commissioners or a majority of them, are hereby impowered and authorized to grant deeds for any lot or lots so sold, which shall be good and valid in law.*

III. *And whereas the law aforesaid directs that taxes shall only be recovered in a court of record, which is found to be inconvenient, troublesome, tedious and expensive, be it therefore enacted, by the authority aforesaid, that where the amount of the taxes due does not exceed five pounds specie, the same may be recovered by warrant and tried before a Justice of the peace, who shall have the same power which by the said law is given to any court of record in the like case.*

IV. *And be it further enacted, by the authority aforesaid, that so much of the law aforesaid as comes within the purview of this act, be and is hereby declared null and void.*

CHAP. XXIX. *An act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a gaol for the district of Wilmington, and other purposes.*

WHEREAS the public gaol for the district of *Wilmington* has been consumed by fire, and it being necessary that a new gaol be erected for the county of *New Hanover* and the said district, and it being found on examination that the lot whereon the gaol formerly stood was private property, and it being absolutely necessary that a lot or lots be purchased in the said town of *Wilmington*, by the trustees hereafter mentioned, for the purposes aforesaid;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Thomas Brown, Caleb Grainger, John James, Henry Young, Thomas Bloddworth, be and they are hereby appointed trustees for purchasing a lot or lots in the said town, and for designing, contracting, or building and finishing a sufficient gaol as to them or a majority of them, or their survivors, shall seem most proper and convenient, which gaol when so erected shall be and remain the gaol of the several counties in the district of *Wilmington*.*

III. IV. V. & VI. *Obsolete.*

VII. *And be it further enacted, by the authority aforesaid, that after such gaol shall be erected, when any persons shall be apprehended for any offence within the district aforesaid, it shall and may be lawful for the Justice or Justices before whom such offender shall be examined, if he or they think it necessary, to commit such offender to the aforesaid gaol, and the Sheriff of the county for the time being, where such offender shall be apprehended, is hereby authorized and required to convey such offender to the said gaol, and deliver him or her to the Sheriff or keeper thereof, and take a receipt of such Sheriff or gaoler, which shall be his discharge for such prisoner.*

VIII. *And be it further enacted, by the authority aforesaid, that after the said gaol shall be built as aforesaid, the Sheriff of the county of New-Hanover for the time being, is hereby directed and required to employ some person of integrity to be keeper of the said gaol, who during the time any person committed for a capital offence shall be in said gaol, shall constantly reside in or near the said gaol, and take all lawful ways and means from preventing the escape of such offender.*

CHAP. XXXIII. *An act for the relief of Thomas Clark, and other persons therein named, and to vest in them an indefeasible title to certain lands, hereditaments, goods, chattels, rights and credits, formerly the estate of James Murray, and to enable them to take possession thereof.*

I. **W**HEREAS by an act intituled, *An act for appointing commissioners to examine the claims of Thomas Clark and others, against the estate of James Murray, and other purposes therein mentioned*, which act was passed at Hillsborough, at the Assembly last held there, it was amongst other things enacted, that Samuel Ashe, Alfred Moor, Thomas Craike, John Lillington, Caleb Grainger, John Moor, and James Gillispie, or a majority of them should be, and they were appointed thereby commissioners to hear all such things as the said Thomas Clark and others had set forth in a certain memorial, or might set forth, or might urge for and in support of certain claims by them made against the said James Murray, and to receive all such proof as might be offered by the said Thomas Clark and others the memorialists, or others on their behalf, which proof would be admissible in a court of equity under the circumstances of the memorial thereby referred to; and it was further enacted that the said commissioners should also hear all such testimony as should be offered against the claim or demand of the said memorialists, and for that purpose should summons witnesses to appear and give evidence; and the said commissioners were invested with full powers to effect the purposes of their said appointment; and whereas it was further enacted, that after the said commissioners should have fully heard and considered the claims of the said Thomas and others the memorialists, if it should appear to their satisfaction, that the said James Murray, in equity and good conscience was indebted to the said Thomas and others the memorialists, they should certify the same to the next General Assembly, that further proceedings might be had thereon, to the end that justice might be done in the premises; and whereas a majority of the said commissioners by a certain writing under their hands, and now filed among the records of this Assembly, have certified that after having heard the whole of the testimony offered to them, they find that the sum of nine thousand and twenty seven pounds seven shillings and five pence specie is justly due from the estate of the said James Murray to the said Thomas Clark and other memorialists, and that the said estate is in equity liable for the payment of that sum, all which is by the said commissioners by the said writing under their hands, dated the second day of July, one thousand seven hundred and eighty two, certified to the Assembly, to which certificate the names of John Moor, Alfred Moor, John Lillington, Caleb Grainger, Thomas Craike, James Gillispie, in the proper and respective hand writing of the said commissioners are subscribed; *p. 102.

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that all and singular the lands and tenements, goods and chattels, rights and credits, within this State, that are of the estate of the said James Murray, or which were on the fourth day of July, in the year of our lord one thousand seven hundred and seventy six, or at any time since the property of the said James Murray, be by the said commissioners, or a majority of them upon oath, to be administered to them by a Justice of the Peace, appraised to their true value, to the best of the knowledge of the said commissioners, which oath shall be as follows, to wit:*

I SOLEMNLY swear that I will to the best of my understanding, justly and truly value the lands and tenements, goods and chattels, rights and credits, that were the property of James Murray on the fourth day of July, one thousand seven hundred and seventy six, or at any time since, so far as such effects have come to my knowledge; and the said commissioners or a majority, after such valuation made, shall in their best discretion set off and deliver to the said Thomas Clark, and others the said memorialists, so much of the said estate that was of the said James Murray, real, personal and mixed, as shall amount to the full value of nine thousand and twenty seven pounds, seven shillings and five pence specie, that is to say, rating Spanish milled dollars at eight shillings per dollar; which estate so set off and delivered by the said commissioners or a majority of them, to the said Thomas Clark and others the said memorialists, shall become the proper lands and tenements, goods and chattels, of the said memorialists, to be and inure to the said Thomas Clark and others the memorialists, the only proper use, benefit and behoof, of the said Thomas Clark, John Innis Clark, and Anne Hooper, memorialists as aforesaid, their heirs, executors and assigns for ever, so far as the said James Murray, his heirs, executors or administrators respectively may have, or may have had on the said

fourth day of *July*, in the year one thousand seven hundred and seventy-six, any estate, right, title or interest therein; and the said memorialists are hereby declared to have a full and absolute, and indefeasible estate in fee simple in the said lands, and as perfect an estate in the said goods and chattels; saving however, and always reserving to all and every other person and persons whatsoever, other than the said *James Murray*, his heirs, executors and administrators all right, title and claim, which they may have, or might have had, in the same manner as if this act had never been made.

III. *And be it further enacted, by the authority aforesaid, that the said commissioners shall under the hands and seals of themselves, or a majority, grant to the said memorialists a schedule of the property, real and personal, so set off and delivered to the said memorialists, certifying the same to be the full and absolute property of the said memorialists, and to have been set off and by them delivered as directed by this act of Assembly, which certificate to the said memorialists shall have with respect to any lands so set off, the effect of an absolute deed in fee simple, and with respect to the said personal estate so set off, shall operate as giving a full and absolute estate therein, with the savings and reservations herein before mentioned; and the said commissioners shall certify to the next Assembly all and singular their proceedings relative to the matters by this act referred to their determination.*

CHAP. XXXIV. *An act to vest the title of certain lands in Joseph Herring.*

I. **W**HEREAS it hath been made appear to the satisfaction of the General Assembly, that *Joseph Herring*, of *Duplin* county, did purchase of a certain *Felix Kenan*, agent for *Henry Eustace McCulloch*, a tract of land in the county aforesaid, on the south side of *Turkey Swamp*, containing three hundred and forty acres, six and bounded as follows, viz. Beginning at a small maple in a little branch that runs into *Gaylor's* branch, and runs thence north thirty east eighty eight pole to a pine, the corner of a survey that lies on the south side of *Turkey Swamp*, thence south sixty seven east ninety pole to a pine, thence south forty six east crossing *Gaylor's* branch one hundred and fifty pole to a stake, thence south ten west one hundred and ten pole to a black oak, thence south sixty three west sixty four pole to a pine, thence south seventy nine west one hundred and forty four pole to a pine in *Zebulon Hollingsworth's* line, thence north fifty west one hundred and eight pole to a maple his upper corner in *Gaylor's* branch thence up the run of the said branch to the mouth of the small branch, and thence up the run of it to the beginning; and the said *Joseph Herring* having paid part of the purchase money, and taken bond of the said *Felix Kenan*, then agent to the said *Henry Eustace McCulloch*, to make him the said *Joseph* a sufficient title in fee simple to the said lands; and whereas the said *McCulloch's* lands in this state are now become confiscated to the use of this state, and the said *Joseph Herring* has never been able to obtain a sufficient title to the said lands;

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the Sheriff of the said county of Duplin is hereby empowered to receive whatever part of the purchase money is yet unpaid from the said Joseph Herring, his heirs or assigns, provided the same be tendered in two years from the ratification of this act; and the said Sheriff is hereby empowered and authorised to make and execute unto the said Joseph, his heirs or assigns, a good and sufficient deed of conveyance for the said lands, all which proceedings at the proper cost and charge of the said Joseph Herring, when had and done shall be deemed sufficient in law to vest in him all the right and title which this state hath, or may have acquired in and to the same by confiscation, forfeiture or otherwise, any law to the contrary notwithstanding.*

CHAP. XXXV. *An act to enable Thomas Hill, guardian of Elizabeth Henry Hill, to convey to Joseph Cocke, and Winnifred his wife, the negro slaves therein mentioned: in satisfaction of the right of dower of the said Winnifred, in the lands, tenements and hereditaments, which were of Henry Hill, deceased, her late husband.*

I. **W**HEREAS the said *Thomas Hill*, as guardian of the said *Elizabeth Henry Hill*, a minor, and the said *Joseph Cocke* and *Winnifred* his wife, have presented their petition to this present General Assembly, setting forth that *Henry Hill*, deceased, son of the said *Thomas Hill*, intermarried with the said *Winnifred*, by whom he left the said *Elizabeth Henry Hill*, his only child and heir at law, and died without making any disposition of his estate; and whereas the said *Henry Hill* died possessed of lands, tenements and hereditaments, of a considerable value, from which the said *Winnifred* claimed, and was entitled to her dower at common law, for the term of her natural life; and whereas the said *Thomas Hill*, anxious to promote the interest and advancement of his said ward, and conceiving it to be for her benefit and advantage to give to the said *Joseph Cocke* and *Winnifred* his wife, a compensation out of the personal estate of the said *Elizabeth Henry Hill*, in lieu and satisfaction of the right of dower of the said *Winnifred*, proposed to the said *Joseph Cocke* and *Winnifred* his wife, to give them out of the estate of said *Elizabeth Henry Hill*, three negro slaves, to wit; *Absey*, *Aggy*, and *Elisba*, in lieu and full satisfaction of the right of dower of the said *Winnifred*, and it appearing by the said petition that the said *Joseph Cocke* and *Winnifred* his wife are willing to accept the same, provided that an indefeasible title to the said slaves can be made to them; therefore for promoting the interest of the said *Elizabeth Henry Hill*, and for enabling the said *Thomas Hill* to carry the said agreement into execution;

II. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said Thomas Hill be enabled and empowered, and he is hereby authorised to sell, convey and deliver unto the said Joseph Cocke, and Winnifred his wife, the said negro slaves named Absey, Aggy and Elisba, and all the*

right, title and interest of the said *Elizabeth Henry Hill*, in and to the said slaves, and every of them, with the increase and issue of the female slaves, to have and to hold the same and every of them, to the said *Joseph Cocke* and *Winnifred* his wife, as the proper estate of the said *Winnifred* during the term of her natural life, for her support and maintenance in case she should survive her said husband, and after the decease of the said *Winnifred*, to the said *Joseph Cocke*, his executors, administrators and assigns, for ever, in lieu and full satisfaction of the right of dower of the said *Winnifred*, in and to the lands, tenements and hereditaments, which were the estate of the said *Henry Hill*, deceased, her late husband.

I. *Provided always, and it is hereby further enacted*, that each conveyance and delivery shall not be made, or be binding upon the said *Elizabeth Henry Hill*, the minor, until the said *Joseph Cocke*, and *Winnifred* his wife, do make seal and deliver unto the said *Elizabeth Henry Hill*, a release and full discharge of the right of dower of the said *Winnifred Cocke*, of in and to all and singular the lands, tenements and hereditaments, which were the estate of the said *Henry Hill*, deceased, and until the same shall be fully completed by private examination of the said *Winnifred Cocke* in due form of law; any thing herein before mentioned to the contrary notwithstanding.

CHAP. XXXVI. *An act to vest the fee simple of certain lands therein mentioned in Thomas Eaton, his heirs and assigns.*

I. **W**HEREAS *David Minge*, of the State of *Virginia*, by his last will and testament, did give and bequeath to his daughter *Mary* two tracts of land and plantations, containing twelve hundred and eighty acres, lying in *Warren* county in this state, with remainder in case of failure of heirs of her body lawfully begotten, to his son *David Minge*, and the heirs of his body lawfully begotten, forever; and whereas the said *Mary* after her fathers death did intermarry with *Michael Wall*, and afterwards, to wit, on the nineteenth day of *March* in the year one thousand seven hundred and seventy eight, did with the said *Michael Wall* and *David Minge*, the heir in remainder, for the consideration of the sum of five shillings, sell and convey by deed of bargain and sale to *Thomas Eaton* of the county of *Warren*, in this state, and his heirs and assigns for ever, the said two tracts of land and plantation, one of which tracts is bounded as follows: beginning at a black gum on stone house creek, *William Comries* corner tree, thence running with his line south fifteen degrees east three hundred and twenty pole to a white oak in the fork of petty creek, thence west one hundred and fifty pole to a dogwood tree on the side of stone house creek, thence the windings of the said creek to the first station; and the other tract bounded as follows: beginning at a white oak on the west side of stone house creek, thence running south three hundred and sixty poles to a red oak, thence east two hundred and eighty five poles to a red oak, thence north three hundred and sixty poles to a red oak in the said *Minge's* line, thence by his line west to the beginning; and whereas perpetuities in all well governed states are injurious and particularly contrary to the spirit of our constitution, and as there appears to be no fraud or covin in the foregoing transaction, but that the whole was conducted with the content and approbation of the heir in remainder,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same*, that the aforementioned deed of *Michael Wall* and *Mary* his wife, and *David Minge* to *Thomas Eaton*, his heirs and assigns for ever be, and it is hereby declared good and valid, to all purposes whatever, and the whole right, title and interest, of in and to the premises aforesaid, are hereby declared to be fully and entirely vested in *Thomas Eaton*, his heirs and assigns for ever, agreeable to the intent and meaning of the deed to the said *Thomas Eaton*; any thing either in law or equity to the contrary, notwithstanding; but saving and reserving to all others but those claiming by, from or under *David Minge*, their right and title to the premises aforesaid.

CHAP. XXXVII. *An act to vest the title of a piece or parcel of land lying in Camden county, in Isaac Guilford, and his heirs, in fee simple.*

I. **W**HEREAS it appears to the satisfaction of the General Assembly, that *Isaac Guilford* of *Camden* county, in the year of our lord one thousand seven hundred and seventy three, did purchase of *Thomas Macknight*, of *Currituck* county, a certain piece or parcel of land lying in *Camden* county, containing thirty five acres, called *Shergells*, butted and bounded as follows, to wit: beginning at a maple in a line dividing the lands of said *Guilford* and *Macknight*, then running north ninety pole to a poplar, then north fifty five degrees west forty pole to *Sanderline's* line, then along said *Sanderline's* line south fifty five degrees west twenty five pole to a holly, then south one hundred and thirty two pole to an old marked line called *Cornelius Jones's*, then along that line about north seventy degrees east about sixty eight pole to a poplar, then west twenty one pole to the first station; and did in good faith pay the purchase money thereof unto the said *Thomas Macknight*, who since the said purchase hath withdrawn himself from this and the United States, and his estate by law hath been confiscated, and hath made no assurance to the said *Isaac Guilford* to vest the said land in him and his heirs, in fee simple;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same*, that *Peter Dauge*, *Thomas Nichols*, and *Nathan Snowden*, commissioners of confiscated property in the said county of *Camden*, or any two of them be, and are hereby authorized to make and execute unto the said *Isaac Guilford* a good and sufficient deed of conveyance to him, his heirs and assigns for ever all which proceedings to be at the proper cost of the said *Isaac Guilford*; and when the said deed should be fully executed, the same shall vest

in the said *Isaac Guilford*, his heirs and assigns, all the right, title and interest, which this state hath to the said land in virtue of any confiscation law heretofore made, any law or usage to the contrary notwithstanding.

CHAP. XXXV. *An act to vest certain lands in fee simple in Richard Henderson and others.*

I. WHEREAS it has appeared to this Assembly, that *Richard Henderson, Thomas Hart, John Williams, William Johnston, James Hogg, David Hart and Leonard Henly Bullock, Nathaniel Hart, and John Lattrel, John Carter and Robert Lucas*, have been at great expence, trouble and risque, in making a purchase of lands from the *Cherokee Indians*; and whereas it is but just that they should have a compensation adequate to their expence, risque and trouble aforesaid;

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, that two hundred thousand acres, be, and are hereby granted to the said *Richard Henderson, Thomas Hart, John Williams, William Johnston, James Hogg, David Hart, and Leonard Henly Bullock*, the heirs and assigns, or devisees of *Nathaniel Hart*, deceased, and the heirs and assigns or devisees of *John Lattrel*, deceased, to *Landon Carter*, heir of *John Carter*, deceased, his heirs and assigns for ever, and to the heirs and devisees of *Robert Lucas*; the said two hundred thousand acres to be laid out in one survey, and within the following boundaries, to wit: beginning at the old Indian town in *Powell's* valley, and running down *Powell's* river not less than four miles in width on one or both sides thereof to the junction of *Powell's* and *Clinch* river, then down *Clinch* river on one or both sides, not less than twelve miles in width, for the aforesaid complement of two hundred thousand acres.

III. Provided, that the aforesaid tract is laid out and surveyed by the grantees before mentioned, on or before the last day of next November, otherwise any person entering and surveying any part or parcel thereof, agreeable to the laws of the state, may and shall obtain a title to the same, any thing herein contained notwithstanding; and the said two hundred thousand acres to be divided among the said grantees in the following manner, to wit: ten thousand acres at the lower end thereof to *Landon Carter*, his heirs and assigns for ever, and to the heirs or devisees of *Robert Lucas*; and the remainder thereof in the following manner, to wit: one eighth part thereof to *Richard Henderson*, his heirs and assigns or devisees; one eighth part thereof to *Thomas Hart*, his heirs and assigns or devisees; one eighth part thereof to *John Williams*, his heirs and assigns or devisees; one eighth part thereof to *William Johnston*, his heirs and assigns or devisees; one eighth part thereof to *James Hogg*, his heirs and assigns or devisees; one sixteenth part thereof to *David Hart*, his heirs and assigns or devisees; and one sixteenth part thereof to *Leonard Henly Bullock*, his heirs and assigns or devisees; one eighth part thereof to the heirs and assigns or devisees of *Nathaniel Hart*, deceased; and one eighth part thereof to the heirs and assigns or devisees of *John Lattrel*, deceased: to hold to them, their heirs, assigns, or devisees respectively, for ever, according to the aforesaid proportion in severalty as tenants in commons, and not as joint tenants; and this grant shall and is hereby declared to be in full compensation to the said persons for their charges, trouble and risque, and for all advantages accruing therefrom to this state.

CHAP. XXXIX. *An act to encourage John and James Bonner, junior, of Beaufort county, to clear and make a road through the great swamp and marsh, on the south side of Pamlico river, opposite the town of Washington.*

I. WHEREAS the establishment of a ferry across *Pamlico* river at the town of *Washington*, and the clearing a road and making a causeway through the swamp and marsh opposite to the said town, into the old road the nearest and best way, will tend greatly to the encouragement of the commerce and improvement of the said town; and as *John Bonner* and *James Bonner* are principal owners of the lands through which the road must pass, and where the ferry should be established, and they having signified to this Assembly their consent and desire to clear and make the said road and causeway at their own expence, provided the property of the ferry might be secured to, and vested in them;

II. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said *John Bonner* and *James Bonner* are hereby vested with full and absolute power to lay off, or cause to be laid off, opened and cleared, a good and sufficient road from the shore opposite to the said town of *Washington*, the nearest and best way into the road at present used, at least sixteen feet wide, logged and covered with upland earth where the same may be necessary, and cause the said road to be completed in every respect in a good and sufficient manner, so as to be passable for travellers, waggons, and all other carriages, on or before the first day of November next, and also procure and provide good and sufficient boats and other crafts for the transportation of travellers, their horses, carriages and effects across the said *Pamlico* river, to and from the said town, that then the property of the said ferry on both sides the river, to and from the said town shall be, and it is hereby vested in the said *John Bonner* and *James Bonner* their heirs and assigns, for and during the term of ninety nine years, together with all and singular the profits and emoluments arising therefrom.

III. Provided, that it shall for ever hereafter be in the power of the court of the county of *Pitt* to ascertain and fix the rates from time to time, as they shall judge necessary to be paid by travellers and others for crossing or passing the said ferry; and in case the said *John Bonner* and *James Bonner* will fail or neglect to complete and finish the said road, to the satisfaction of the said court of *Pitt* county, by reasons to be approved of by the said court, when a majority of all the Justices of the said county are upon the bench, that then it shall and may be lawful for the said court to cause

said road to be layed off, and grant by their order, the powers and privileges mentioned in this act to such other person or persons as they shall think proper, who may be willing and desirous to undertake and complete the said road in a reasonable time, to be judged of by the said court, and in that case the said court shall, and they are hereby vested with full and absolute power to grant the property of the said ferry to such person or persons who shall agreeable to their order complete the said work, in as full and ample manner as the same is by this act vested in the said John and James Bonners, their heirs and assigns.

IV. And be it further enacted, by the authority aforesaid, that when the said road shall be finished and the ferry established, the proprietor or proprietors thereof shall enter into bonds with good and sufficient security, in the county court of Pitt, to keep good and sufficient boats, in good repair, and proper attendance at the said ferry, and also shall keep the said road during the said term in good and sufficient repair, and be subject for non-performance of his or their duty, to all the pains and penalties which the laws of this state do now, or may hereafter inflict upon ferry keepers and overseers or commissioners of roads for neglect of duty.

CHAP. XL. *An act to amend an act, intituled, "an act to vest the property of a bridge or causeway in Gideon Lamb, and his heirs, by him already built through the great Dismal Swamp, from Lebanonn to Cambden, for the term of twenty five years."* p. 88.

I. WHEREAS the said Gideon Lamb and his heirs, are by the said recited act impowered to keep a sufficient gate on the said bridge or causeway, for the purpose of taking toll; and whereas by the said recited act the said Gideon Lamb, his heirs or assigns, are under no obligations to keep the said bridge or causeway in good and sufficient repair, and fit for travellers to pass with safety; and whereas it appears from the petition of a great number of the inhabitants in the environs thereof, that the said bridge and causeway now is, and always hath been since the passing of the said act, in a ruinous and dangerous condition, and is liable to become entirely useless to the public; for remedy whereof,

II. Be it enacted, by the General Assembly of the State of North Carolina, and by the authority of the same, that the Justices of the court of the said county are hereby authorized and impowered, at the first court held for the said county after the passing of this act, to nominate and appoint three respectable freeholders to view and inspect the said bridge and causeway, which freeholders or any two of them are hereby required to make a return to the next court held for the said county on oath, of the state and condition of the said bridge and causeway, at the time of their viewing the same, and if it shall appear to the satisfaction of the said court that the said bridge and causeway, or any part thereof, is out of repair, and unfit for travellers and carriages to pass and repass with safety, the said court is hereby authorized and impowered to order the heirs, executors, or assigns of the said Gideon Lamb, to pull down the said gate, or any other impediment which may be erected thereon, which order shall be certified by the clerk of the said court, and served by the sheriff of the said county.

III. And be it enacted, by the authority aforesaid, that it shall not again be lawful for any person or persons to set up any gate or other impediment on the said bridge or causeway, until it shall be made appear to the said court by two or more freeholders on oath, that the said bridge and causeway appears to be in good and sufficient repair, and fit for travellers and carriages to pass without difficulty.

IV. And be it further enacted, by the authority aforesaid, that if the heirs, executors or assigns, of the said Gideon Lamb shall neglect putting the said bridge and causeway in good and sufficient repair, to the satisfaction of the said court, within two years after the passing of this act, then the before recited act to be null and void to all intents and purposes whatsoever, any law or usage to the contrary notwithstanding.

CHAP. XLI. *An act to vest the title of certain lands, and other property therein mentioned, in Thomas Cotton, James Cotton, and their sister.*

I. WHEREAS by an act of Assembly, passed at Newbern, in the year one thousand seven hundred and seventy seven, commonly called the act of confiscation, and by other acts made since that period, all the estate real and personal of a certain James Cotton is declared confiscated, and directed to be sold for the use of the state; and whereas it appears to the General Assembly that Thomas Cotton and James Cotton (who were minors at the time the aforesaid James Cotton incurred the pains and penalties of high treason) have on all occasions since they came of age to act for themselves, behaved as good and faithful citizens, and on all occasions exerted themselves in defence of this state, and the liberties thereof; and whereas justice and humanity forbid the involving the innocent and deserving with the guilty;

II. Be it therefore enacted, by the authority of the General Assembly of the State of North Carolina, that the aforesaid acts commonly called confiscation acts, be and are hereby declared repealed and void, so far as it relates to the estate real and personal of the said James Cotton, not heretofore sold agreeable to law; and all the estate real and personal of the said James Cotton is hereby declared to be vested in his sons Thomas Cotton, James Cotton, and their sister, to them, their heirs and assigns for ever, to be equally divided between them: any law to the contrary notwithstanding.

CHAP. XLII. *An act for vesting the title of certain lands herein mentioned, in Ralph Miller, his heirs and assigns.*

I. **W**HEREAS it hath been made appear to the satisfaction of the General Assembly, by sundry affidavits, &c. exhibited by *Ralph Miller*, that the register's office of *Bladen county* hath been burnt wherein the said *Miller's* deeds were registered, and that the house of the said *Ralph Miller* hath been also burnt by accident, and his said deeds for certain lands, to wit: four hundred and twenty acres situate in *Bladen county*, on the south side of the north west river, joining the lands of *John Clayton*, beginning at a black oak on the river, running thence by a line of marked trees south forty five degrees west four hundred and fifty poles to a post oak, thence south forty five degrees east one hundred and eighty poles to a small pine, thence north forty five degrees east to the river, thence up said river to the first station; from which accident of fire the said *Ralph Miller* hath no legal assurance for the before recited lands; for remedy whereof,

II. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said Ralph Miller be, and he is hereby invested with absolute right in fee simple, of and to the before recited tract or parcel of land, containing four hundred and twenty acres aforesaid, in as full and ample manner as he would have been if the said deeds and records had never been burnt or destroyed.*

CHAP. XLIII. *An act for establishing two public schools in the county of Onslow, and for other purposes.*

I. **W**HEREAS the establishing of public schools at convenient places for the education of youth will be attended with great advantages to the inhabitants of this state;

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that George Mitchell, Reuben Grant, William Nelms, Joseph Lillibridge, and John Pasteur, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies which have been heretofore or may hereafter be subscribed for the purpose of erecting a public school in the village commonly called New-Town, at the mouth of White-Oak river, in Onslow county, and to do for and demand of the several subscribers all sums by them respectively subscribed; and in case of refusal by any of them to pay the same, to sue for and recover by action of debt in the name of the trustees, the sum which the person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said trustees, or a majority of them, towards purchasing a lot of ground in the aforesaid village, and for erecting thereon a suitable and convenient house to contract with and employ tutors, and to perform every act and thing which they or a majority of them, shall think necessary for the advancement and promotion of the said school.*

III. *And be it further enacted, by the authority aforesaid, that the said village called New-Town shall be, it is hereby erected into a town by the name of Swansborough, and that the trustees for the school aforesaid shall be, and they are hereby appointed commissioners of the said town; and in case of the death, removal, refusing or neglecting to qualify as such, it shall and may be lawful for the remaining part, or majority of them, to nominate and appoint others in their stead, and the said commissioners each of them shall before entering upon their said office, take the following oath:*

I A. B. do swear that I will execute the office of a commissioner for the town of Swansborough faithfully, impartially, and truly, without favour, affection or prejudice, and that I will to the utmost of my power in all things act for the good of the said town, and the well governing of it, to the best of my skill and judgment.

IV. *And be it further enacted, by the authority aforesaid, that the commissioners or a majority of them shall appoint an overseer every first Monday in January annually for the said town, which overseer shall summons all male taxable inhabitants thereof to clear, repair and keep in order the streets, lanes and passages, belonging to the said town, and any person refusing or neglecting to work on such summons, or furnish a good and sufficient hand or hands in his or their place, with proper tools to work with, shall forfeit and pay five shillings specie per day for every day he or they shall so refuse or neglect, to be recovered in the same manner as the fines and forfeitures are to be recovered by overseers of the roads, and the monies so recovered shall be applied towards hiring labourers to clear and repair the streets, lanes and passages, or any other public work to be done in the said town, and every overseer appointed as aforesaid refusing or neglecting to serve as overseer of the said town, shall forfeit and pay for every such refusal forty shillings specie, to be recovered and applied as above.*

V. *And be it further enacted, by the authority aforesaid, that every person exempt by law from working on public roads, shall not be themselves compelled to work on the streets, lanes, or passages in the said town.*

VI. *And for the better regulating the said town of Swansborough, be it enacted, by the authority aforesaid, that the said commissioners or a majority of them, shall have full power and lawful authority to pass such necessary rules and orders as to them shall seem meet for removing all nuisances within the bounds of the said town, for persons to remove dirt, and rubbish from before their doors, to grub and clear their lots, for pulling down all wooden chimnies already built in the said town, and prevent the building thereof for the future, in order to prevent danger by fire.*

VII. *Provided, that six months notice be given to the owners of such chimnies as are already built, to pull down the same, and for all other things as may tend to the advantage of the said town, so that the same be not repugnant but as near as may be agreeable to the laws of this state.*

VIII. And be it further enacted, by the authority aforesaid, that the honorable Edward Starkey, Esq. James Howard, Frederick Hargett, Lewis Williams, William Shackelford, and Daniel Yates, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies which have been heretofore, or may hereafter be subscribed for the purpose of erecting a public school at or near the Rich-Lands of New-River, in the county of Onslow aforesaid, and to ask for and demand of the several subscribers all sums by them respectively subscribed; and in case of refusal by any of them to pay the same, to sue for and recover by action of debt in the name of the trustees, the sum which the person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said trustees, or by a majority of them, towards purchasing three acres of land at or near the aforesaid Rich Lands of New River, and for erecting thereon a suitable and convenient house, to contract with and employ tutors, and to perform every act and thing which they or a majority of them shall think necessary for the advancement and promotion of the said school; and in case of the death, removal, refusing, or neglect of any of the said trustees, it shall and may be lawful for the remaining part, or a majority of them, to nominate and appoint others to act in their stead.

CHAP. XLIV. An act to incorporate trustees for two academical schools in the district of Morgan.

I. **B**E it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that Mr. James Templeton, president, and Waightstill Avery, Charles McDowell, William Moore, Alexander Irwin, James Greenlie, Benjamin Ellage, Abraham Denson, and David Vance, Esquires, be and they are hereby formed and incorporated into a body politic and corporate, by the name of president and trustees of Morgan academy, in the county of Burke, and by that name shall have perpetual succession and a common seal, and the said president and trustees, and their successors shall take the same oath for their qualification, *mutatis mutandis*, and shall have, hold, exercise and enjoy, all the powers, authorities and privileges, which the president and trustees of Liberty Hall, in the county of Mecklenburg, possess and are invested with by virtue of an act of Assembly for their incorporation, passed the ninth day of May, in the year of our lord, one thousand seven hundred and seventy seven.

II. And be it further enacted, by the authority aforesaid, that Mr. John Causon, president, and Messrs. Hezekiah Balch, Samuel Deak, William Heuston, James Heuston, Thomas Stewart, Daniel Kenady, Landon Carter, and Robert Erwin, trustees, be and are hereby formed and incorporated into a body politic and corporate, by the name of president and trustees of Martin academy, in the county of Washington, and by that name shall have perpetual succession, and a common seal; and the said president and trustees, and their successors, shall take the same oath for their qualification, *mutatis mutandis*, and shall have, hold, exercise and enjoy all the powers, authorities and privileges, which the president and trustees of Liberty-Hall, in the county of Mecklenburg, possess and are invested with by virtue of said act for their incorporation, passed the ninth day of May, one thousand seven hundred and seventy seven; and each respective treasurer appointed by virtue of this act, shall perform the same duties, be liable to the same restrictions, and give bond in the same manner as the treasurer appointed by the above recited act is required.

III. *Provided nevertheless, and be it further enacted, by the authority aforesaid, that this act, or any thing herein contained, shall not extend or be understood to make these academies, or either of them, one of those seminaries mentioned in the constitution, to oblige this state to support any president, professor or tutor of either of the said academies, or other charge or expence thereof whatsoever.*

CHAP. XLV. An act to keep open Roanoke river for the passage of fish up the same, and other purposes therein mentioned.

I. **W**HEREAS it is represented to the general assembly that the free passage of fish up Roanoke river, is prevented by the erecting of dams and other stoppages across the said river; for remedy whereof,

II. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that every person or persons who have erected or built any ware, dam or stoppage across the river aforesaid, shall destroy and remove so much thereof, within six months after the passing this act, as to leave one fourth part of the river open in the middle of the same, for the passage of fish, and on failure or neglect shall pay the sum of twenty five pounds specie for every twenty four hours such dam or ware, or other invention shall stand after the term aforesaid.*

III. *And be it further enacted, by the authority aforesaid, that from and after the passing of this act no stands, dams wares, or other stoppages, shall be erected so as to take up more than three fourths of the river, leaving one fourth in the middle open; and any person erecting wares, dams or other inventions, contrary to the intent and meaning of this act, shall forfeit and pay the sum of one hundred pounds specie.*

IV. *And be it further enacted by the authority aforesaid, that all penalties mentioned in this act shall be recovered against any person or persons who may incur them, in any court of record by any person who will sue for the same, one half to be applied to his or their own use, and the other half for the use of the county wherein the plaintiff resides. Provided, that nothing herein contained shall extend, or be construed to extend to pulling down or destroying any water grist-mill, which may be on Roanoke river, any thing herein contained to the contrary notwithstanding.* *The last Section Obsolete.*

CHAP. XLVII. *An act for establishing a town on the land formerly belonging to William Best, at the place where the road leading from Salisbury to the Cheraws crosses the road leading from Blakes ferry to Camden, in Anson county.*

I. **W**HEREAS it hath been represented to this Assembly, that in the year one thousand seven hundred and eighty-two, seventy acres of land was purchased from William Best, by Captain Patrick Boggan for a town, and the public buildings of said county, and the said Patrick Boggan hath entered into bond to convey the said lands as he shall be directed by the legislature, which said seventy acres of land hath been laid out into half-acre lots, with streets, &c. and an accurate plan thereof made representing the streets, and the number of each lot, and seventy lots have been subscribed for and drawn by the purchasers, who are desirous to improve the plan, provided it be established into a town by authority of law;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said seventy acres of land be, and the same is hereby constituted, erected and established a town, with streets, &c. as the same are represented by the said plan, and shall be called by the name of New-Town.*

III. *And be it further enacted, by the authority aforesaid, that the lots number sixteen and forty six shall be deemed saved lots, for the use of the public county buildings, and the said Patrick Boggan is hereby directed to make over the said lots by conveyances to the respective purchasers, with condition to be void on failing to build a house of not less dimensions than twenty feet by sixteen, with a stone or brick chimney, within two years from the date of the deed, and in every case where such failure shall happen, the lot shall be sold again.*

IV. *And be it further enacted, by the authority aforesaid, that all the monies arising from the sale of the said seventy lots, and the sales of forfeited lots, shall be paid into the hands of the commissioners heretofore appointed by law for building the court house, prison and stocks, for the said county of Anson, according to the agreement of said Patrick Boggan, and the several purchasers of lots.*

CHAP. XLVIII. *An act for cutting a canal from Clubfoots creek to Harlow's creek, to open a communication between Neuse river, and the navigation of Old-Topsail inlet.*

I. **W**HEREAS the opening a communication by cutting a navigable canal from Clubfoots creek to Harlow's creek will tend to promote and encourage the navigation and commerce of the State, by opening a more easy and safe conveyance for the produce of great part of this state, to the navigable and safe harbour of Beaufort;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that John Beniners, John Jones, Christopher Neale, John Easton, Enock Ward, Dedrick Gibble, and William Bourden, be appointed commissioners for overseeing, designing and laying out the said canal, and are hereby empowered to lay off, plan and design the same, from Clubfoots creek to Harlow's creek, in the manner which to them shall seem best, to perfect the navigation thereof.*

III. *And whereas several public spirited gentlemen being willing to further a work of such an interesting nature to a commercial country, have offered to contribute to the same; be it therefore enacted, by the authority aforesaid, that the said commissioners or a majority of them, are hereby empowered from time to time to receive subscriptions from any person or persons who may be willing to contribute to the said undertaking, and that when any sum or sums of money shall be subscribed therefor, and the same not being regularly paid, the said commissioners or a majority of them, are hereby authorized to commence actions for the same, in any jurisdiction having cognizance thereof, to prosecute the same to a full recovery of all such sum or sums of money so subscribed.*

IV. *And be it further enacted, by the authority aforesaid, that it may and shall be lawful for the said commissioners, and they are hereby authorized and empowered to cut the said canal through any persons land where it shall be necessary to continue and carry the same, any law, usage or custom to the contrary notwithstanding. Provided nevertheless, that all damages occasioned by cutting the said canal through the lands of any person shall be valued by the county court, or by three freeholders on oath, to be chosen by the court, which value shall be paid unto the proprietors of such land by the commissioners mentioned in this act.*

V. *And be it further enacted, by the authority aforesaid, that the said canal when cut, and the lands appropriated for this purpose, shall be and remain for ever thereafter for the use of the public, and shall be free from all tolls whatsoever.*

CHAP. L. *An act for altering the name of Jonathan Bronnocks, to that of Jonathan Bryant.*

I. **W**HEREAS Jonathan Bronnocks of Onslow county in this state, the son of Belbute Bronnocks, now the wife of John Evans, has from the time of his nativity hitherto been called and known by the name of Jonathan Brannock; and whereas for special and urgent reasons the said Jonathan Brannock aforesaid, hath earnestly petitioned and prayed that the name of the said Jonathan Brannock may be altered to the name of Jonathan Bryant, by an act of Assembly for that purpose;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the ratification of this act, the name of the said Jonathan Brannock shall be al-*

tered to the name of Jonathan Bryant, and that the said Jonathan Bronnack shall from thence forth be called and known by the name of Jonathan Bryant, and that by the name of Jonathan Bryant, and that by the name of Jonathan Bryant he shall be, and he is hereby enabled to receive, possess and enjoy, any and every devise, bequest, legacy, estate, right, title, interest and property, of, in and to any lands, tenements, hereditaments, goods, monies, sum of sums of monies, credits or chattels whatever, which shall or may be given, granted, assigned, conveyed or made payable to him by the said name of Jonathan Bryant, and by virtue of any last will and testament, deed, bill of sale, conveyance, bond, obligation, bill promissory note, or other writing or assumption, of or from any person or persons whatsoever, and that by the said name of Jonathan Bryant he shall and may sue and recover, and be sued and impleaded in any action or suit, as well at law as in equity or otherwise, and may therein plead, answer and defend, in as full and ample manner to all intents and purposes, and that by the name of Jonathan Bryant, he shall and may from the said ratification of this act, in all things whatsoever be subject to the same restrictions and intitled to the same privileges, benefits and emoluments, as if he had from the time of his nativity hitherto been called and known by the said name of Jonathan Bryant, and no other name. *So repeated in the act.

CHAP. LIII. *An act for fixing on a place in the county of Anson for building a court house, prison and stocks, and for other purposes therein mentioned.*

I. WHEREAS it hath been represented to the General Assembly by the petition of a large majority of the inhabitants of Anson county, that they labour under great hardships, and are much distressed for want of a court-house, prison and stocks, in said county; and whereas the commissioners appointed by an act of the last session of Assembly for finding the center of said county; and fixing on a place for the public buildings thereof, agreed and concluded on a place for the same, which is conceived to be much to the disadvantage and greatly inconvenient to the inhabitants in general of said county;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the commissioners appointed in the before recited act be, and they are hereby empowered and directed to contract and agree with workmen, and to build a court-house, prison and stocks, for the county of Anson on the land whereon William Best formerly lived, on a certain seventy acres laid off for that purpose, and the purpose of erecting a town.

III. And be it further enacted, by the authority aforesaid, that the said commissioners are hereby directed and required to receive all such monies as may arise from the sale of lots laid off at the place aforesaid, and to apply and pay the same towards completing the said public buildings.

IV. And be it further enacted, by the authority aforesaid, that the lands conveyed by Thomas Lacey, Jesse Miller, and Job Benton, to the public for the use of the public buildings, at the place formerly agreed on by the commissioners, for which no consideration has been paid, be and are hereby declared to be and remain the absolute property in fee simple, of the said persons, each their respective parts.

CHAP. LV. *An act for appointing commissioners to fix on a place for building a court-house; prison and stocks in the county of Randolph, and for other purposes.*

I. WHEREAS the commissioners heretofore by law appointed for fixing on a place to build a court-house, prison and stocks, in the county of Randolph, have failed to discharge the trust reposed in them;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Aaron Hill, James Dugan, Zebedee Wood, Robert M. Laine, Samuel M. Laine, be and they are hereby appointed commissioners for the purpose aforesaid, and that they or a majority of them be, and they are hereby empowered and required to agree and contract for five acres of land in the said county, as near the center as they or a majority of them shall think best, and also to contract with workmen to build a court-house, prison and stocks, on the same.

III. & IV. Obsolete.

V. And be it further enacted, by the authority aforesaid, that from and after the passing of this act the county courts, general musters, and elections, shall be held at the former dwelling house of William Bell, until the public buildings of said county shall be completed, any law to the contrary notwithstanding.

The last Section Obsolete.

CHAP. LVI. *An act for establishing the court-house, prison and stocks, at the place whereon they are now erected, on the plantation of Henry Monger, in Montgomery county.*

I. WHEREAS it is represented to this General Assembly by the petition of a large number of the inhabitants of Montgomery county, that they labour under considerable inconveniences in not having the public buildings of said county fully fixed and established, by reason of the party disputes subsisting in said county;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act, the court-house, prison and stocks, for the said county of Montgomery, be hereby declared to be fixed and established on fifty acres of land whereon they are now built.

which was laid off and contracted for by commissioners appointed for that purpose.

III. *And be it further enacted, by the authority aforesaid, that the proprietor of the land and ferry over the Yadkin, opposite the mouth of Uaree in consequence of his petition, and a number of others the inhabitants of said county for that purpose, and for the encouragement of said buildings at the said place, be hereby compelled to keep a public ferry, with good and sufficient attendance at the said place, for all persons in the county concerned, passing and repassing on the days and at the times of all public meetings, elections, courts, &c. of the county aforesaid.*

IV. *And be it further enacted, by the authority aforesaid, that all acts of Assembly heretofore made that comes within the purview of this act, be hereby repealed.*

VIII Year of Independence. The 19th of April, 1784. First Session.

CHAP. XXXVII. An act for extending the navigation of Roanoke river.

I. **W**HEREAS extending the navigation of Roanoke river through the falls and upwards will be of great benefit to the inhabitants of this state and those of Virginia; and whereas the commonwealth of Virginia have passed an act appointing trustees to extend the same from the North-Carolina line to the fork of Staunton and Dan rivers, and up the rivers Staunton and Dan to the head thereof;

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Allen Jones, Samuel Lockhart, William Hudson, Henry Monford, Thomas Eaton, Eaton Haynes, Benjamin Hawkins, Thomas Person, James Callaway, and Alexander Martin, Esq's. be, and they are hereby nominated, constituted and appointed trustees for clearing so much of Roanoke and Dan rivers as shall be within this state, and they are hereby respectively authorized and empowered to take and receive subscriptions for that purpose; and if any person or persons shall neglect, fail or refuse to pay the several sums of money respectively subscribed for the purpose of this act, it shall and may be lawful for the said trustees respectively, or undertaker, to sue for and recover the same in the name of the trustees or undertaker for the clearing the said rivers, (whereof they are by this act respectively appointed trustees) by warrant, where the subscription shall not exceed five pounds, and by action of debt if any larger sum.*

III. *And be it further enacted by the authority aforesaid, that the said trustees respectively, or a major part of them, shall have full power and authority to contract and agree with any person or persons for clearing so much of the said rivers as shall be within this state, in such manner as to the said trustees shall seem most proper, and to remove all ledges and rocks, or stops, which the said trustees shall think may in any wise obstruct the said navigation.*

IV. *And be it further enacted by the authority aforesaid, that the said trustees respectively, or a major part of them, shall have full power and authority to lay off, plan and design a road for a carrying place round the Great Falls or any other falls on Roanoke, or to lay off, plan and execute a canal or canals with or without a lock or locks around or through the same, in the manner that to them shall seem best to perfect the navigation and answer the intention of this act, and for this purpose to lay off, plan or execute a road for a carrying place, to cut the canal or canals, and fix a lock or locks on the same, through any person's land where it shall be necessary to lay off or cut the same; any law, usage or custom to the contrary notwithstanding.*

V. *And be it further enacted, by the authority aforesaid, that the said trustees respectively, or a majority of them, from time to time or as often as they shall see occasion, shall and may nominate and appoint one or more of their number willing to undertake the same, to be receiver or receivers of all the monies that shall be subscribed for the purpose of this act, who shall give bond with sufficient security in a reasonable penalty to the Governor for the time being, with a condition that he or they, his or their executors and administrators, at all times when required, shall and will truly and faithfully account with the said trustees or undertaker for all monies which shall come to the hands of such receiver or receivers for the purpose of this act, and pay the same to such person or persons as the said trustees, or a major part of those who agree to act, shall order and direct.*

VI. *And be it further enacted, by the authority aforesaid, that upon proper application by the said trustees or a major part of them, made to any of the courts of the counties adjoining the said rivers, it shall and may be lawful for the said courts, and they are hereby directed and required to order all the hands, or so many as may be required, within two miles of the said river liable to work on any road, to attend the orders of the trustees or undertaker to do and perform such labour as shall be required of them to answer the intention of this act, and upon neglect or refusal of any person or persons to do and perform such labour after three days previous notice, he or they so refusing or neglecting shall for every day pay the sum of ten shillings, to be recovered by warrant before any Justice of the Peace by either of the trustees or the undertaker, and applied to answer the intention of this act: Provided, that no person shall be compelled to work more than twelve days in any one year.*

VII. *And be it further enacted by the authority aforesaid, that no ledge or stone, or other stop, that in any wise obstructs the navigation of the said river, canal or canals, or a road for a carrying place, shall be placed or set therein; and any person who shall presume to set up or make any in the said river, canal or canals, or road for a carrying place, shall forfeit and pay one hundred pounds, for every such offence, one half to the informer, the other to the trustees to be applied to the purpose of carrying this act into effect.*

CHAP. XXXVIII. *An act to facilitate the navigation of Neuse river.*

WHEREAS the rendering *Neuse river* navigable for small crafts would be productive of many good consequences.

II. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that from and after the passing of this act, it shall and may be lawful for the Justices of the courts of *Craven, Dobbs, Johnston, and Wayne* counties, and they are hereby required at the first court which shall be held for their respective counties after the first day of *July*, yearly, to apportion and lay off in convenient districts all the inhabitants of their counties respectively, resident within eight miles of the river *Neuse*, and above *Batchelor's* creek on the south side of *Neuse river*, and above the mouth of *Swift's* creek on the north side thereof, and appoint for each district some person properly qualified as overseer, who shall cause all persons within the district so allotted him who are liable to work on public roads to work at least six days in each and every year on the said river *Neuse*, unless the county court shall otherwise direct, when he shall cause that they be employed in cutting into proper lengths all logs, and moving brush and other incumbrances which obstruct the navigation, and in killing all kinds of trees like to fall into and obstruct the navigation of said river, under the penalty of fifty pounds for failure or neglect, to be recovered and applied as fines and forfeitures incurred by overseers of roads: and all and every person liable to work as aforesaid who shall fail when summoned or warned (agreeably to the custom in cases of working on roads) to appear with such tools as the overseers shall direct and work accordingly, shall forfeit and pay the sum of ten shillings for each day he shall fail or neglect, to be recovered and applied as fines for failing to appear and work on public roads.

III. *And be it further enacted, by the authority aforesaid,* that all acts and parts of acts heretofore made which come within the purview and meaning of this act be, and they are hereby repealed and made void.

CHAP. XXXIX. *An act for clearing and opening the navigation of Trent river in Jones county.*

WHEREAS the opening and clearing *Trent river* from the lower bounds of the county to the fork of *Tuckahoe* would render the same more useful and advantageous, and will be of great utility in transporting tar, pitch, turpentine, and every other kind of produce to market, and greatly enhance the value of the lands in the said county;

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that *Lewis Bryan, William Renel, William Harrison, Lemuel Hatch, sen. and Edward Whitty* be, and they are hereby appointed commissioners, and that they or a majority of them are hereby empowered to lay off the said river into convenient districts, and that all the inhabitants of said county liable to work on public roads, except such of the inhabitants as live to the westward of a line from *Abraham Kernegys* old field to *Thomas Kent's*, and except all persons who live at the distance of eight miles from the said river, shall by order of the commissioners to the several overseers of the roads work on said river in their respective districts so laid off and allotted to them by the commissioners, and shall continue to work from time to time whenever the commissioners shall think it necessary; and in case of neglect or refusal of the overseers to act or to warn their respective companies to work on said river when ordered by the commissioners, shall forfeit and pay for every such neglect or refusal the sum of fifty pounds current money, to be recovered by the commissioners or either of them by action of debt in any court of record having cognizance thereof, and by them applied for clearing said river; and in case of neglect or refusal of any person liable to work or who shall fail to send their hands, having three days previous notice from the overseer, he or she so failing shall forfeit and pay for each and every hand the sum of ten shillings current money for every day, to be recovered by the overseer in the same manner as other fines are recovered from delinquents of public roads, and by him paid into the hands of the commissioners or either of them, and by them applied as other fines by this act directed.

III. *And in order to keep the navigation of said river open, be it further enacted, by the authority aforesaid,* that in case any person shall fall any trees or make any hedges in or across said river, shall forfeit and pay for every such offence, being thereof convicted before any Justice of the Peace of said county, the sum of five pounds current money, and remove the obstruction at their own expence; and if any negro slave found guilty of any of the before mentioned offences and convicted thereof, shall by order of a single Justice receive thirty nine lashes on his or her bare back for each and every offence.

IV. *And for continuing the succession of the commissioners, be it further enacted, by the authority aforesaid,* that in case of the death, refusal to act, or removal out of the county of any of the commissioners, the county court of *Jones* is hereby empowered from time to time to appoint others in his or their stead, which said commissioners being so appointed, shall from thenceforth have the like power and authority in all things in the matters herein contained, as if he or they had been expressly named and appointed by this act.

CHAP. XL. *An act for appointing commissioners in the district of Morgan for the purpose of erecting a court house, prison and stocks in the county of Burke, for the use of said district, and for levying a tax to complete the same, also for laying out and establishing a town in Burke county.*

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that *Waightstill Avery, James Johnston, William Lenoir, Joseph McDowell and John Walker, Elguire, be, and*

they are hereby appointed commissioners for the purpose aforesaid, and that they or a majority of them be, and are hereby appointed and required as soon as may be after the passing of this act to agree and contract for one hundred acres of land in the county of *Burke*, as near the center thereof as may be convenient; and also to agree and contract with workmen for erecting and building thereon a court house, prison and stocks, which when finished shall be and remain to the use of the district of *Morgan*.

II. & III. *Obsolete.*

IV. And whereas it would tend much to the advantage of the inhabitants of *Burke* and those of the district of *Morgan* generally, to have a town laid out and established on the land which shall be purchased by the commissioners for erecting the public buildings above mentioned, on —, be it therefore enacted, by the authority aforesaid, that the commissioners appointed by this act for the purpose of purchasing one hundred acres of land for the public buildings aforesaid be, and they are hereby appointed commissioners for designing and laying the same off into a town, and as soon as they have so done they shall cause the same to be formed into acre lots, with convenient streets, lanes and alleys, which lots so laid off agreeable to the directions of this act, are hereby established and erected a town, and shall be called by the name of *Morgansborough*.

V. And be it further enacted, by the authority aforesaid, that from and after the passing of this act the commissioners above named shall be, and they and every of them are hereby constituted directors and trustees for the designing, building and laying out the said town, and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for the same, and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day and place appointed for the drawing of said lots which shall be done by ballot in a fair and open manner, under the directions and in the presence of the said directors or a majority of them; and such subscriber shall be entitled to the lot or lots which shall be drawn for him, and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said one hundred acres of land in acre lots as aforesaid to the subscribers, their heirs and assigns forever, and also to every other person who shall purchase any other lot or lots in the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple: *Provided nevertheless*, that every grantee of any lot or lots in the said town so conveyed shall, within three years next after such conveyance for the same, erect, build and finish on each lot so conveyed one well framed, square, logged, or brick house, sixteen feet square at least, and eight feet pitch in the clear or proportionable to such dimensions; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon, such lot or lots upon which such house shall not be built and finished as aforesaid, shall be re-vested in the said directors; and the said directors or a majority of them may, and they are hereby empowered and authorized to sell such lot or lots for the best price that can be had, to any person applying for the same, and grant and convey such lot or lots to such person or persons under the like rules and regulations as the same was or were formerly granted; and the money arising from such sale be applied by the said directors or a majority of them for the benefit and improvement of the said town.

CHAP. XLI. *An act for the promotion of learning in the district of Hillsborough, and to amend an act for establishing an academy in the neighbourhood of Hillsborough.* p. 87.

WHEREAS by an act of Assembly, intitled, "an act for establishing an academy in the district of Hillsborough, certain persons therein named were appointed trustees to carry the said act into execution; and whereas divers of the said commissioners by death or removal out of the state cannot be convened;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the remaining commissioners resident in this state, provided there be three of them at the least, shall have power and authority to nominate others in the room of those who are dead or removed out of the state.

III. And be it further enacted, by the authority aforesaid, that the commissioners or a majority of them shall be a board for business, and when assembled shall have the powers authorities given by this act, as well as by the act which this is intended to amend; and upon the death or removal out of the state, or refusal to act of any of the said commissioners, those remaining or a majority of them shall have power and authority to name others in their stead.

IV. And be it further enacted, by the authority aforesaid, that so much of an act, intitled, *an act for establishing an academy in the neighbourhood of Hillsborough*, so far as comes within the purview of this act and no further, is hereby repealed and made void.

V. And be it further enacted, by the authority aforesaid, that the said commissioners shall on the second Monday of July next ensuing the ratification of this act, and on the second Monday of January, April, July, and October in every year thereafter, meet in the town of *Hillsborough*, then and there receive into the hands of a treasurer by them appointed all sums of money subscribed and paid (all sums subscribed and not paid to them then and there duly to be accounted

ed for) and to receive all farther and other donations, and in case of refusal or neglect of any person or persons to pay according to the true intent of his promise, obligation, covenant or agreement, such commissioners may, and they are hereby empowered in the name of their chairman to bring suit before any Justice of the Peace, or any court of record in the district where such contract shall be made, having cognizance thereof, and recover in an action of debt the sum or sums due from such person or persons for failing or neglecting, to be applied by the said commissioners to the purposes of erecting and maintaining such school.

VI. *And be it further enacted, by the authority aforesaid, that by and with the consent of all persons having any right, title or interest in the church erected in the town of Hillsborough (already far gone to decay) such persons being of the Episcopal persuasion, and as such claiming interest in the said church, such consent being first obtained by notice in writing, promulgated in the most public part of the county, calling on such persons to object, if any objections they have upon such notice given, and no reasonable objection made, the said building with the ground upon which it stands shall be held and deemed to be vested in the said commissioners, for the uses and purposes following, to wit: that the said church shall be, with as much economy and expedition as possible, put in decent repair; and so put in repair, shall on every Sunday in every year be open to the ministers of every sect or persuasion, being christians, there to inculcate the truths of their holy religion: *Provided always*, that every dispute relative to a preference to the said church in officiating there by ministers of different or of the same sects shall be determined by the said commissioners; and in any dispute between an Episcopalian and ministers of any other persuasion as to a preference to the pulpit, the former (circumstances being otherwise equal) shall be preferred, as the church was founded for the Episcopal persuasion, and to them by the constitution properly appertains.*

VII. *And be it further enacted, by the authority aforesaid, that tutors or schoolmasters appointed and authorized by the said commissioners, shall teach and instruct in the said school in such branches of learning as the commissioners shall direct; and such persons so appointed and authorized by the majority of the whole board, and no others shall be privileged to teach or instruct within the said church, and if any person shall without permission first had and obtained from a majority of the said commissioners presume to teach within the said church, he shall forfeit and pay the sum of fifty pounds, to be recovered by the commissioners by action of debt in the name of their chairman, for the uses pointed out by this act.*

VIII. *And be it further enacted, by the authority aforesaid, that the said commissioners shall yearly, and every year on the second Monday in July, appoint out of their own body a chairman, clerk and treasurer; and the commissioners shall be a body incorporated for the purposes of carrying this act in execution, and for receiving donations from all charitable and well disposed persons for the uses of the said school, and shall have power and authority to visit the said school at proper times and seasons to inspect the progress of students in useful learning, but shall confer no degrees, nor shall such school be called or considered as one of those seminaries established by the special directions of the constitution.*

IX. *And be it further enacted, by the authority aforesaid, that it shall and may be lawful for a majority of such commissioners to remove any tutor or master guilty of immorality, neglect or misbehaviour in office.*

X. *And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners to open a lottery for the purpose of raising a sum of money for repairing the said building, employing masters and tutors, and for the other purposes of this act; *Provided*, that the whole profits of the said lottery shall not amount to more than five hundred pounds current money of this state; and to appoint trustees to manage such lottery, such trustees giving security for the faithful performance of their duty, and that all profits arising from the said lottery shall be applied to the uses of the said school or academy, agreeable to the direction of the aforesaid commissioners.*

XI. *And be it further enacted, by the authority aforesaid, that the said commissioners be, and they are hereby empowered to make sale of such part of the ornaments, utensils and decorations of the said church as shall not be necessary to the reparation thereof, the proceeds to be applied to the purposes of the said school.*

XII. *And be it further enacted, by the authority aforesaid, that during the next session of the General Assembly, if the Assembly shall be in the town of Hillsborough, and at any future session thereof in the said town, the said buildings may be made use of by the said Assembly sitting in their legislative capacity during such session.*

CHAP. XLII. *An act to amend an act passed at Newbern the first day of December, one thousand seven hundred and sixty-six, intituled, "An act for establishing a school-house in the town of Newbern." p. 49.*

I. **W**HEREAS the school heretofore established under the before recited act has answered very valuable purposes, but in the course of the late war, by the deaths and removal of many of the trustees, and from other unavoidable accidents, the building is much impaired, and the education of youth neglected;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act the said school shall be distinguished and known by the name of the Newbern academy; and that the honorable Richard Caswell and Abner Nash, Esquires, John Wright Stanley, William Blount, John Sitgreaves, Spyers Singleton, William McClure, William Eryan, and Richard Dobbs Spaight, Esq's, be, and they are hereby appointed trustees and directors of the said academy, and shall be and they are hereby incorporated into a body politic and corporate by the name of the incorporated society, for promoting and ef-*

establishing the *Newbern academy*, by which name they shall have perpetual succession, and a common seal, which they may alter or amend at discretion, and under the aforesaid name they and their successors shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors for ever in trust and confidence for the said academy, any lands, rents, tenements and hereditaments, and also to sell, grant, demise, alien or dispose of the same, and to receive and take any charity, gift or donation to the said academy; and the said trustees and their successors by the aforesaid name may sue and implead, be sued and impleaded, answer and be answered in all courts of record within this state, and shall from time to time under their common seal, make such rules, regulations and ordinances for the admission or dismissal of the several masters and teachers in the said academy, and for the better regulating and well ordering of the same as to them shall seem requisite and necessary for the promotion of learning and virtue: *Provided*, such rules and ordinances be not repugnant to the laws of the state.

III. *And be it further enacted, by the authority aforesaid*, that the several lots of land, together with their improvements, granted by the before recited act to the trustees of the public school in *Newbern* in trust and confidence be, and the same are hereby vested in the trustees and directors by this act appointed, and their successors for ever, in trust and confidence to and for the uses and purposes by this act intended.

IV. And whereas there are in the town of *Newbern* four lots of land known in the plan of the said town by the numbers two hundred and forty eight, two hundred and forty nine, two hundred and fifty, and two hundred and fifty one, which were granted by the commissioners of the said town to *John Starkey, Edward Griffith and Jeremiah Vail*, by deed bearing date the seventeenth day of *April*, in the year of our lord one thousand seven hundred and fifty, in trust and confidence for the use of the public for ever, and are declared to be saved lots and reserved as aforesaid by an act passed at *Newbern* in the year of our lord one thousand seven hundred and fifty one; and the uses and purposes for which the said lots were reserved having no longer any existence, *be it therefore enacted, by the authority aforesaid*, that three of the aforesaid lots, to wit: those known in the plan of said town by the numbers two hundred and forty nine, two hundred and fifty, and two hundred and fifty one, shall be, and they are hereby declared to be vested in the aforesaid trustees and directors and their successors for ever, any law to the contrary notwithstanding; and the lot known in the plan of the town by the number two hundred and forty eight whereon the public gaol now stands, is hereby reserved for the use of the public as is directed by the before recited act.

V. *And be it further enacted, by the authority aforesaid*, that the trustees of the said academy, or a majority of them, shall at their first meeting, and thence after annually appoint out of their number a president and a secretary, and a fit and proper person to be treasurer to the said society, who shall enter into bond with good and sufficient security in a competent sum to be adjudged of by the directors for the faithful discharge of his office and the trust reposed in him, into whose hands shall be paid all monies of or belonging to the said academy, and for which the said treasurer shall account annually with the directors, and upon his refusal or neglect to settle and pay the balance remaining in his hands to the succeeding treasurer or the order of the directors, the same method of recovery may be had against him as is provided for the recovery of public monies in the hands of sheriffs or other persons.

VI. *And be it further enacted, by the authority aforesaid*, that on the death, refusal to act, or removal out of the state of any of the trustees, the remaining trustees or a majority of them shall elect other trustees in the room and stead of those dead, removed or refusing to act, who shall be invested with the same powers and authorities as the other trustees and directors appointed by this act.

VII. *And be it further enacted, by the authority aforesaid*, that the trustees shall appoint public visitations of the academy once in every six months, when they shall examine what progress is made by the several students, and grant certificates to such as shall leave the academy, certifying their literary merit and the progress they shall have made in useful knowledge, whether it be in learned languages, arts or sciences, or all of them: *Provided always*, that they shall not on any pretence grant degrees or titles, such as the degrees of bachelor or master of arts, or doctor in any faculty.

VIII. *And be it further enacted, by the authority aforesaid*, that the trustees shall not in any case sell lands or dispose of the monies belonging to the academy unless a majority of the society is present or at their stated half-yearly visitations; and that no rector, professor or tutor in the said academy shall at any time be chosen a trustee thereof, but that his Excellency the Governor of the state for the time being may at any time of their visitations take a seat in the society.

IX. *And be it further enacted, by the authority aforesaid*, that the rector, professors and tutors of the said academy shall be exempted from military duty: *Provided*, that no person shall claim such exemption unless he has been at least six months a stated tutor, rector or professor in the academy, and continues in that duty.

X. *And be it further enacted, by the authority aforesaid*, that the trustees by this act appointed shall have full power and authority to demand, receive and recover from all persons whatsoever all monies, rents, goods or other effects of what nature or kind soever due, owing or belonging to the late public school aforesaid, and to dispose of and apply the same as is by this act directed.

XI. *And be it further enacted, by the authority aforesaid*, that nothing in this act shall be construed to prevent the trustees from distinguishing their public hall, museum or library, by the names of such persons or societies as may within two years from the passing of this act give the most liberal donations to the academy.

XII. *And be it further enacted, by the authority aforesaid*, that so much of the two before recited acts as is repug-

nant to or come within the purview of this act be, and the same is hereby repealed and made void to all intents and purposes as if the same had never been made: *Provided*, this academy shall not be deemed to be one of those seminaries of learning directed by the constitution of this state to be established and supported by public authority.

CHAP. XLIII. *An act for establishing a town in Jones county on the lands of Thomas Webber and others.*

I. **W**HEREAS it is represented to the General Assembly that a town on the lands of *Thomas Webber, Lewis Bryan, Henry Smith and Samuel Hill*, on the south side of *Trent* river in *Jones* county, where the court house now stands, would tend to the promotion of commerce, and the inhabitants of said county be greatly benefited thereby,

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that the directors or trustees hereafter appointed or a majority of them, shall as soon as may be after the passing of this act, agree with or purchase from the said *Thomas Webber, Lewis Bryan, Henry Smith and Samuel Hill*, one hundred acres of land for the purposes aforesaid; and after having so agreed for the said land, shall as soon as may be lay off forty acres in half acre lots in half acre lots exclusive of streets, with convenient streets, lanes and allies, and sixty acres for town commons, which lots so laid off according to the directions of this act are hereby constituted and erected a town, and shall be called by the name of *Trenton*.

III. *And be it further enacted, by the authority aforesaid*, that from and after the passing of this act *Abner Nash, Frederick Hargett, Lewis Bryan, John Bryan, William Randol, John Isler and Edward Whitty*, be, and they and every of them are hereby constituted directors and trustees for the purchasing and agreeing for one hundred acres of land as aforesaid, and for the designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intent and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and when the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day and place appointed for the drawing the said lots, which shall be done by ballot in a fair and open manner, by the direction and in the presence of the majority of the said directors at least; and such subscribers shall be entitled to the lot or lots which shall be drawn for him, and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them shall make and execute deeds so granting and conveying the said forty acres of land in half acres as aforesaid to the subscribers, their heirs and assigns for ever; and also to every other person who shall purchase any other lot or lots in the said town; and every person claiming any lot or lots by virtue of any such conveyance shall and may hold and enjoy the same in fee simple; *Provided nevertheless*, that every grantee of any lot or lots in the said town so conveyed, shall within three years next after such conveyance for the same erect, build and finish on each lot so conveyed one well framed or brick house, sixteen feet square at least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon, then such lot or lots upon which such house shall not be built and finished as aforesaid, shall be re-vested in the said directors, and the said directors or a majority of them may, and they are hereby impowered and authorized to sell such lot or lots for the best price that can be had to any person applying for the same, and grant and convey such lot or lots to such persons under the like rules, regulations and restrictions as the same was or were formerly granted, and the money arising from such sale be applied by the said directors or a majority of them for the benefit and improvement of said town.

IV. *And be it further enacted, by the authority aforesaid*, that each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before-mentioned, pay and satisfy to the said directors or one of them the sum of three pounds for each lot by him subscribed for; and in case of neglect or refusal of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit for the same, and therein shall recover judgment with costs of suit.

V. *And for continuing the succession of the directors until the said town shall be incorporated, be it further enacted by the authority aforesaid*, that in case of the death, refusal to act, or removal out of the county of any of the said directors the surviving directors or a majority of them shall assemble, and are hereby impowered from time to time by instrument of writing under their respective hands and seals to nominate some other person, being a freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the county which director so nominated and appointed shall from thenceforth have the like power and authority in all things in the matters herein contained as if he had been expressly named and appointed in, and by this act.

CHAP. XLIV. *An act to establish a town on the land of John Walker at a place called Deep Water Point, joining Fort Johnston on the river Cape Fear, in Brunswick county.*

I. **W**HEREAS it has been represented to this Assembly that the land of *John Walker* lying on the river *Cape Fear*, at a place called *Deep Water Point* in *Brunswick* county, is a pleasant and healthy situation, and commodious

for trade and commerce, and the said *John Walker* having acknowledged his free consent to have a sufficient quantity of the said land laid off for a town, which will greatly promote the trade of said river,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that the directors or trustees herein after appointed, or a majority of them, shall so soon as may be after the passing of this act, cause a sufficient quantity of said *Walker's* lands to be laid off into lots of half an acre each, with convenient streets, lanes and alleys reserving two acres of said land for a court-house, church, and other public buildings, like wile five acres to *John Walker* the proprietor, for their respective uses; which land so laid off according to the direction of this act, is hereby constituted, erected and established a town, and shall be called by the name of *Walkersburg*.

III. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, *Timothy Bloodworth, Henry Toomer, Henry Young, Joseph Eagle, and George Blyth*, Esquires, be and they and every of them are hereby constituted directors and trustees for designing, laying out, building, and carrying on the said town; and they shall stand seized of an indefeasible estate in fee of the said quantity of lands so laid off, to and for the use, intents and purposes hereby expressed and declared; and they, or a majority of them, shall have power and authority to meet as often as they shall think proper; and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots, of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner by the directions and in the presence of the majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said quantity of land so laid off by the said commissioners into half acre lots as aforesaid, to the subscribers, their heirs and assigns forever, under the rules and restrictions and provisos hereafter mentioned; and also to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance shall, and may hold the same in fee simple: *Provided nevertheless,* that every grantee of any lot or lots in the said town so conveyed, shall within three years next after the date of the conveyance for the same erect, build and finish on each lot so conveyed one well framed or brick house, twenty four by sixteen feet at the least, and nine feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon, such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free from any other person or persons to take up in the same manner, and under the like rules and restrictions as other lots are directed to be granted to any other person or persons, after the subscription lots are drawn for; and in case any person owner of a saved lot or lots in the said town shall die without heirs, or legally disposing thereof, then and in such case such lot or lots shall be sold by the executor or administrator for the benefit of the creditors of the person so dying, if there be any such; but if such person be not indebted, or the sales amount to more than sufficient to discharge the debts, then the amount of sale of such lot or lots, or of the overplus aforesaid, shall be applied by the directors to the benefit and improvement of said town; any thing in this act contained to the contrary notwithstanding.

IV. *And be it further enacted, by the authority aforesaid,* that each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the treasurer of the said town ten pounds for each lot by him subscribed for; and in case of refusal or neglect of any subscriber to pay the said sum, the treasurer shall and may commence and prosecute a suit in his own name, and therein shall recover judgment, with costs of suit; and the said treasurer as soon as he receives the said money, shall pay and satisfy to the said *John Walker*, his executors, administrators, or assigns, the sum of eight pounds for each lot, in full satisfaction for the said land; and the other shall be applied towards defraying the expences of laying off and improving the said town, as a majority of the directors shall think necessary.

V. *And be it further enacted, by the authority aforesaid,* that *Henry Toomer* be, and is hereby appointed treasurer of the said town, who shall enter into bond with sufficient security to the Justices of the court of the said county of *Brunswick*, in the penal sum of two thousand pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office, to such person or persons as by this act is directed; and on the death or removal of the said treasurer the remaining directors, or any three of them by certificates under their hands and seals, shall nominate and appoint one other of the directors to be treasurer of the said town, and so in like manner from time to time as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond with security, in the same manner as the treasurer by this act appointed.

VI. *And for continuing the succession of the said directors until the said town shall be incorporated, be it further enacted by the authority aforesaid,* that in case of the death or refusal to act of any of the said directors, the remaining director, or the majority of them, shall assemble and are hereby empowered from time to time by instrument in writing under their hands and seals, to nominate some other person being a freeholder in the said town in the place of

him so dying or refusing to act; which new directors so nominated and appointed shall from thenceforth have the like power and authority in all things in the matters herein contained, as if they had been expressly named and appointed in and by this act.

CHAP. XLV. *An act for establishing and laying out a town in Richmond county by the name of Rockingham.*

I. WHEREAS the establishing and laying out a town in the county of Richmond on the public land at the court-house thereof would be of great advantage to the inhabitants, and be a considerable means of raising money for building the public buildings of said county;

II. Be it therefore enacted by the General Assembly of the State of North-Carolina; and it is hereby enacted by the authority of the same, that the commissioners heretofore appointed for contracting for the building of the public buildings of Richmond county, or a majority of them, be and they are hereby authorized and empowered to lay out all the public lands by them purchased for the use of the public at Richmond court-house into a town of half-acre lots, with proper streets, &c. which shall be called and known by the name of Rockingham; one or more of the said lots to be reserved for the use of the public buildings, and the other lots to be disposed of by the said commissioners towards raising the money for completing the said public buildings; and the said commissioners are hereby authorized to make good and sufficient titles in fee-simple to the respective purchasers for the said lots.

CHAP. XLVI. *An act to amend an act, intituled, An act for establishing a town on the land of William Herri tage, at a place called Atkins's Banks, in Dobbs county. p. 41.*

I. WHEREAS the erecting and establishing a town in the county of Dobbs has been a means of promoting trade and commerce; and the act of Assembly passed in the year of our lord one thousand seven hundred and sixty-two for establishing the same, is found to want alterations and amendments.

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the one hundred and fifty acres of land constituted, erected and established a town and town-common by the name of Kingston, shall from and after the passing of this act be called and known by the name of Kinston.

III. And whereas the greater number of the directors and trustees of the said town appointed in the said act are dead or removed out of the said county, and it being doubted whether those remaining have power to supply the vacancies by electing others, be it therefore enacted, by the authority aforesaid, that the honourable Richard Caswell, Esquire, Jesse Cobb, William Caswell, Isaac Wingate, Richard Caswell the younger, John Herri tage, and John Sheppard, Esquires, shall be, and they are hereby appointed trustees and directors of the said town in the place and stead of those appointed by or elected in virtue of the aforesaid act, and shall and may use and exercise the same powers and authorities as the directors or trustees of the said town appointed by the said act could or might have exercised, used and enjoyed by virtue of the same; and in case of the death, refusal to act, or removal out of the county of any of the said directors, the surviving or other directors, or a majority of them, shall and they are hereby empowered to choose another director or directors in the room of such so dying, refusing to act or removing out of the county; and such director or directors shall have the same power and authority as if expressly named and appointed in and by this act.

IV. And be it further enacted, by the authority aforesaid, that for the future the courts of the said county, the election of representatives, the election of wardens of the poor, general musters and other legal public meetings of the inhabitants of the said county shall be held in the said town; and the sheriff of the said county, the clerk of the county court, and the register of the county and their successors in office, shall hold and keep their respective offices in the said town of Kinston, and at no other place whatever; any custom or usage to the contrary notwithstanding.

V. And be it further enacted, by the authority aforesaid, that no suit, writ or other process that is or shall be made returnable to the next county court of pleas and quarter sessions to be held for the county of Dobbs after the passing of this act shall be abated or vacated, or any bail bond, recognizance or other instrument of writing become void or invalid, but the same shall be good, available in law, and as effectual to every intent and purpose whatsoever as if the alteration of the name of the said town and town-common had never been made; and that so much of the above recited act as is not altered by this act shall be, and is hereby declared to be of the same force and effect in relation to the said town and town-common as if the same had been originally called by the name of Kinston.

VI. And be it further enacted, by the authority aforesaid, that one half of the lot comprehending the southern part thereof, known in the plan of the said town by the number seventy six, be and hereby is vested in the Justices of the said county of Dobbs and their successors in office for the sole purpose of erecting a gaol thereon for the use of the said county; and the trustees and directors of the said town are hereby declared to have no power to dispose of or convey the said lot to any other person or persons, or for any other use whatsoever; any thing in the before recited act to the contrary notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that the directors and trustees of the said town shall be vested with, and are hereby declared to have power to call upon such person and persons as have received any mo.

nies or engaged by subscriptions to pay any such, or who may hereafter subscribe any money for the erecting, building and finishing the court-house, prison and stocks in the said town for the payment of the same; and in case of neglect or refusal to pay such money they shall and may, and are hereby impowered and authorized in the name of the treasurer of the said town to sue for and recover the same before any jurisdiction having cognizance thereof, and shall cause the same to be applied to the purposes of the said subscriptions, and to no other use or purpose whatsoever.

VIII. *And be it further enacted, by the authority aforesaid,* that the directors and trustees for the time being, or a majority of them, shall and are hereby impowered to pass any order they may judge proper for opening the streets, preventing mortar, clay or wooden chimnies being built, and pulling down such as are already built, it judged by them to be a nuisance, for obliging the inhabitants to keep their chimnies clean and raising them to a proper height, for obliging all persons to clear the streets before their houses, and for all other things for the good and safety of the said town and the proper regulation of it, consistently with the laws of the state, and to enforce such orders by laying a fine not exceeding forty shillings on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offenders goods in the same manner as goods are lawfully sold for the payment of small debts, and the money applied to the use and benefit of the said town.

IX. *And be it further enacted, by the authority aforesaid,* that the directors and trustees of the said town, or a majority of them, shall as often as they think proper appoint a town clerk, and shall keep a town book in which shall be entered the time of taking the entries of lots, the orders they may make, the persons names who make such entries, the time when the deeds are granted, an account of the monies they receive, the manner of applying the same, and the sums remaining on hand; and such clerk may take and receive for the entry of each lot, and drawing the deed for the same, the sum of eight shillings and no more.

X. *And be it further enacted, by the authority aforesaid,* that the Justices of the said county of Dobbs shall, and they are hereby impowered yearly to appoint some fit and proper person inhabitant of the said town overseer of the same who shall as often as there shall be occasion summon the male inhabitants of the said town liable by law to work on public roads to clear and repair the streets and alleys thereof, and remove any nuisance or nuisances within the same, and if such inhabitants shall fail or refuse to appear on such summons and work in the said town at such times and places as the overseer shall direct (two days notice being given before the day appointed for working), such person so neglecting or refusing, or the master or mistress of such person being an apprentice, servant or slaves, shall forfeit and pay the sum of ten shillings for every day he shall so neglect or refuse, to be recovered by a warrant from any Justice of the Peace for the said county, to be applied to the purpose of employing persons to work on and keep the streets and alleys in the said town clean and in good order and repair; and the inhabitants of the said town of Kingston shall be, and for the future are by this act declared to be exempt from working on any of the public roads out of the said town.

XI. *And be it further enacted, by the authority aforesaid,* that none of the inhabitants of the said town shall on any pretence whatsoever suffer any of their hogs or geese to run or be at large within the bounds of the said town; and any hog or hogs, goose or geese running at large in the said town, shall be forfeited to any person who shall kill or seize the same.

XII. *And be it further enacted, by the authority aforesaid,* that so much of the act for establishing the town of Kingston as is repugnant to or inconsistent with this act be and is hereby repealed and made void.

CHAP. XLVII. *An for establishing a town on Cumberland river at a place called the Bluff, near the French Lick.*
I. *BE it enacted, by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* that the directors or trustees herein after appointed, or a majority of them, shall so soon as may be after the passing of this act cause two hundred acres of land, situate on the south side of Cumberland river at a place called the Bluff, adjacent to the French Lick, in which the said Lick shall not be included, to be laid off in lots of one acre each, with convenient streets, lanes, and alleys, reserving four acres for the purpose of erecting public buildings, on which land so laid off according to the directions of this act, is hereby constituted, erected and established a town, and shall be called and known by the name of Nash-Vill; in the memory of the patriotic and brave General Nash.

II. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, Samuel Barden, Thomas Maloy, Daniel Smith, James Shaw, and Isaac Lindsay, be, they and every of them are hereby constituted directors and trustees for erecting and laying out and carrying on the said town, and they shall stand seized of an indefeasible estate in fee of the said two hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or any three of them shall have power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for the same; and when the said directors have taken subscriptions for fifty lots or upwards they shall appoint a day and give public notice to the subscribers of the day appointed for the drawing of the said lots, which shall be done by ballot in a fair and open manner, which shall be done by the directions and in the presence of a majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said two hundred acres of land in lots of one acre as aforesaid, to the subscribers, their heirs, and assigns forever, under

the rules restrictions and provisos hereafter mentioned; and also to every other person who shall purchase any lot or lots in the said town at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of such conveyance, shall and may hold and enjoy the same in fee simple: *Provided nevertheless*, that every grantee of any lot or lots in the said town so conveyed, shall within three years after the date of the conveyance for the same erect, build and finish on each lot so conveyed one well framed or square logged, or brick, or stone house, sixteen feet square at least, and eight feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions if such grantee have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this act prescribed for building and finishing a house thereon, such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free for any other person or persons to take up in the same manner and under the same rules and restrictions as other lots are directed to be granted to any other person or persons after the subscription lots are drawn for.

III. *And be it further enacted, by the authority aforesaid*, that each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner hereinafter mentioned, pay and satisfy to the treasurer of the said town four pounds specie for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the treasurer may and shall commence and prosecute a suit in his own name for the same, and therein shall recover judgment with costs of suit; and the said treasurer shall as soon as he receives the said money pay the same into the hands of Ephraim, M'Lean, Andrew Ewen, and Jonathan Drake, to be by them applied to the purpose of building a court house, prison and stocks upon the before reserved public lots, for the use and benefit of Davidson county; and the said Ephraim M'Lean, Andrew Ewen, and Jonathan Drake, are hereby directed and required to give bond with approved security to the Justices of the said court for the faithful application of the same, in the penal sum of one thousand pounds specie, previous to their receiving the same.

IV. *And be it further enacted, by the authority aforesaid*, that Samuel Barden be, and hereby is appointed treasurer of the said town, who shall enter into bond with sufficient security to the Justices of the said court of Davidson county in the penal sum of one thousand pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office to each person and persons as by this act he is directed, and on the death of the said treasurer the remaining directors, or any three of them, by certificate under their hands and seals, shall nominate and appoint one other of the said directors to be treasurer of the said town, and so in like manner from time to time as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond with security, in the same manner as the treasurer by this act appointed.

V. And for the continuing the succession of the said directors until the said town shall be incorporated, *be it further enacted, by the authority aforesaid*, that in case of the death or refusal to act of any of the said directors, the remaining directors, or a majority of them, are hereby empowered from time to time, by instrument in writing under their hands and seals, to nominate some other person being a freeholder in the said town, in the place of him so dying or refusing to act; which new director so nominated and appointed shall from thenceforth have the like power and authority in all things and matters herein contained as if he had been expressly named and appointed in and by this act: *Provided*, that James Robertson shall have leave to choose four lots in such part of the said town as he shall think proper, for which he shall pay the said commissioners four pounds for each lot, and shall have deeds for the same, in the same manner as directed by this act in other cases.

CHAP. XLVIII. *An act for annexing certain lands laid off by Thomas Respits, Esquire, to the town of Washington, and for empowering the commissioners to lay a tax on the inhabitants of said town.*

I. *BE it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that from and after the passing of this act all that tract or parcel of land lately laid out by Thomas Respits, Esquire, immediately above and adjoining the town of Washington, containing fifty two lots, shall be and is hereby annexed to the said town, and shall hereafter be considered as part of the town of Washington, and subject to the same rules and regulations.

II. And whereas it is necessary that the streets should be kept in repair, and other useful improvements made therein, *be it enacted, by the authority aforesaid*, that from and after the passing of this act the commissioners of the said town, or a majority of them, shall and they are hereby required within sixty days after the first day of April in every year to lay such a tax as they may judge necessary, not exceeding one shilling on every hundred pounds value of taxable property, which tax shall be collected by warrant under the hands and seals of the commissioners or a majority of them, directed to any person they shall appoint to collect the same, returnable at such time as shall be therein mentioned, which said collector appointed as aforesaid is hereby empowered to collect, and make distress for the same in like manner as sheriffs or other collectors of public or county taxes are empowered by law, and the money arising therefrom, after deducting five per cent commissions, shall be by him paid into the hands of the commissioners or a majority of them, to be by them applied and laid out in clearing and repairing the public streets, and in any other public improvements they may judge necessary for the benefit of the said town.

III. *And be it further enacted, by the authority aforesaid*, that all persons residing three months in the said town next before the first day of April in every year shall be subject to pay taxes in the same, which said tax shall be levied on all

taxable property within the said town, and a poll tax of two shillings on all single persons liable to pay taxes in said town not possessed of one hundred pounds taxable property, in the same manner as public taxes are by law to be levied, and shall be given in at the same time and in the same manner as other taxable property is by law, and the Justice who shall receive said list is hereby required to return the same to the commissioners within sixty days after the first day of April annually.

IV. *And be it further enacted, by the authority aforesaid, that no inhabitant of the said town shall on any pretence whatsoever keep any hog or hogs, shoat or pig running at large within the bounds of said town, under the penalty of forfeiting said hog or hogs, shoat or pig; and it shall be lawful for any person or persons having resided three months in said town to shoot, kill or otherwise destroy such hog or hogs, shoat or pig so running at large within the bounds of said town.*

CHAP. XLIX. *An act to amend an act, intituled, An act for the regulation of the town of Wilmington.* p. 23.

I. **W**HEREAS by an act, intituled, *An act for the regulation of the town of Wilmington*, passed in the year one thousand seven hundred and fifty six, the commissioners of the said town are directed at least twice in every year to warn all the male taxables to clear, repair and pave the streets, lanes or alleys and to make or mend wharves, docks or slips, which have been found by experience to be inconvenient and burthenome, and not to answer the purposes thereby intended; for remedy whereof,

II. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the commissioners of the said town shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property, which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such person as they shall appoint for that purpose, and the collector to be appointed as aforesaid, is hereby impowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, making and repairing water courses, public wharves and docks, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.*

III. *And the more effectually to ascertain the taxable property within the said town, be it enacted, by the authority aforesaid, that every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assessed for the use of the state, distinguish in the list he shall return what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; any thing herein contained to the contrary notwithstanding: And it is hereby declared, that every person inhabiting or occupying any house or other building or improvement, or any wharf, or lot within the said town, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant.*

IV. *And whereas the fire engines of the said town are greatly out of repair, and some parts thereof entirely destroyed, be it therefore enacted, by the authority aforesaid, that the said commissioners shall and they are hereby required as soon as they shall be possessed of a sufficient fund for that purpose cause the said engines to be repaired, and when so repaired, that they have the same worked at least once in every month, under the penalty of forty shillings for every month which they shall neglect to have the same done, to be recovered by any person who shall sue for the same in any court of record having cognizance thereof.*

V. & VI. *Repealed by 1790, 46, 24.*

VII. *And be it further enacted, by the authority aforesaid, that the commissioners of the said town and their successors in office shall, and they are hereby declared to be a body politic and corporate, by the name and designation of the commissioners of the town of Wilmington, and that they may sue and be sued, implead and be impleaded as such, and shall have power and authority to make orders not inconsistent with the constitution, for carrying this and the before-mentioned act into execution, and to appoint a treasurer, clerk, surveyor, fire-masters, and such other officers as shall appear to them necessary for the good government of the said town, ascertaining the salaries, fees and perquisites of such officers.*

VIII. *And be it further enacted, by the authority aforesaid, that the said commissioners are hereby particularly required and directed to ascertain the distance to which wharves may be extended in the river so as to prevent any incroachments on the channel, and to cause all persons who are owners or occupiers of wharves, or who may hereafter make wharves to raise walls of stone, brick or timber, at least one foot above the surface of each wharf, so as to prevent sand or earth being carried into the river by floods of rain; and the said commissioners are required to be particularly careful in that respect in constructing all public wharves, great injuries having already been done for want of that necessary precaution, the channel being in many places considerably narrowed; the said commissioners are also particularly required and directed to prevent any buildings from being erected, until the ground on which such buildings are intended to be shall be first divided from the street by a line to be drawn by the town surveyor, under an order from the said commissioners; and all and every person or persons constructing or building, or attempting to con-*

erect or build any wharf or wharves, or any tenement, or other building, contrary to the true intent and meaning of this act, shall be liable to pay a fine to the said commissioners for the use of the said town not exceeding the sum of five pounds, to be recovered as aforesaid, and moreover such building or incroachments shall be removed at the expence of the party offending.

IX. *And be it further enacted, by the authority aforesaid,* that the commissioners of the said town are hereby particularly required and directed to make the necessary regulations to prevent slaves from keeping houses in the said town and to impose fines and penalties on the owners and tenants of houses who shall suffer the same to be occupied by slaves, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseer, to remove all nuisances, to erect a fire company, to prevent fires being made on the wharves and in the streets, more especially in stormy weather and in the night time, and to oblige the inhabitants to keep a sufficient number of water buckets in their houses with their names thereon to be ready in cases of fire, to regulate the markets and to enforce their orders and regulations by laying fines and imposing penalties on all persons refusing or neglecting to comply therewith, to be recovered before any jurisdiction having cognizance thereof: *Provided always,* that if the offender be a slave, then and in that case, such slave shall be adjudged to be whipped by a constable or other officer of the said town at the discretion of the commissioners, unless the master or mistress of the offending slave shall pay the fine: *And provided also,* that it shall and may be lawful for any person who shall think himself aggrieved by the judgment of the commissioners to appeal from such judgment to the court of *New Hanover* county, siting giving security to prosecute the appeal, which said court is hereby empowered to determine the same by a lawful jury.

X. *And be it further enacted, by the authority aforesaid,* that the commissioners for the time being shall call all persons to account for any monies which may be in their hands belonging to the said town, and to issue warrants for all sums which may appear to be due; and that all sums of money mentioned in the aforesaid act passed in the year one thousand seven hundred and fifty-six is hereby declared to be of the same value as the present circulating money of the State. p. 23.

XI. And whereas there are not at present any acting commissioners in the said town, *be it therefore enacted, by the authority aforesaid,* that the sheriff of *New Hanover* county shall immediately after the first day of *July* next, warn all the male inhabitants of the said town to meet at some convenient place therein, on the third *Monday* in the said month to choose commissioners for the remainder of the present year; and the said sheriff shall on the said third *Monday* in *July* hold the election for commissioners of the said town by ballot, and in the same manner as for a member of the General Assembly; and all the inhabitants of the town who shall on the said day be qualified to vote for a member to represent the said town in the General Assembly, shall be entitled to vote for commissioners.

XII. And in order that a succession of commissioners may be kept up, *be it enacted, by the authority aforesaid,* that the commissioners for the time being shall on the twentieth day of *December* next, and so on the twentieth day in *December* in every year afterwards, cause the town clerk to warn the inhabitants of the said town to attend at the courthouse, or other convenient place thereon, on the first *Monday* in *January* following, to elect five commissioners for the then current year; and the election shall be held by the town clerk in presence of the old commissioners in manner as before directed; and the power of the old commissioners shall not cease until a sufficient number of the new chosen commissioners shall accept the appointment and be qualified according to law; and in case of death, refusal to act, or removal of any of the said commissioners, another or others shall be elected in like manner in his or their stead, eight days previous notice being first given of the time and place of the intended election.

XIII. *And be it further enacted, by the authority aforesaid,* that in all acts of the said commissioners a majority of them shall constitute a quorum for the purposes intended by this act; and that the commissioners to be chosen from time to time by virtue hereof, shall have all the powers, authorities, and pre-eminences with those to be chosen in the first instance; and the commissioners to be chosen in the month of *July* next shall impose the tax on the inhabitants of the said town for the present year, that the same may be collected and applied without loss of time for the benefit thereof.

CHAP. L. *An act to regulate the town of Hillsborough and to repeal all laws now in force which come within the purview hereof.*

I. **W**HEREAS the laws now in force for the regulation of the town of *Hillsborough* are found inadequate to the purposes, for which they were intended.

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that *William Hooper, James Hogg, John Taylor, Archibald Lytle, John Estes, William Courtney, James Williams, and John Nichols* be, and they are hereby appointed commissioners for the town of *Hillsborough*, and shall have full power and authority to act and do every thing that any former commissioners for said town lawfully might do or have done, and shall keep the streets in good repair and order, and shall have power and authority to appoint an overseer or overseers of the streets, and shall have full power to summons the inhabitants of the said town to work upon the streets; and in case of the failure or refusal of any inhabitants so summoned to work upon the streets, or to procure a sufficient substitute to perform such work, such inhabitants so failing shall forfeit and pay ten shillings for each and every day's neglect or refusal, to be recovered in a summary way by complaint made to one or more of the aforesaid commissioners, such fine or forfeiture to be paid into the hands of the chairman of the said commissioners, to

be applied to the use of the town in such manner as the commissioners shall direct: *Provided always*, that no person within the limits of the said town, or the privileges thereof, shall be compelled to work more than ten days in any one year; and in case of the death, removal, neglect, or refusal to act of any of the said commissioners, it may be lawful for the freeholders of the said town to assemble and elect another or others; and he or they so elected shall have the same power and authority as those nominated and appointed by this act.

III. And whereas it has been found inconvenient to collect and enforce the attendance of the commissioners when the exigencies of the town required it, *Be it therefore enacted by the authority aforesaid*, that if any commissioner shall (after notice or summons subscribed by three of the commissioners, and countersigned by their clerk, such notice or summons to contain the time and place of meeting, and to be served twelve hours at least previous to such meeting) fail to give his attendance, he shall forfeit and pay ten shillings, unless prevented by sickness, or such other cause as shall be satisfactory to a board of commissioners, which shall not consist of less than a majority of the whole number; such fine or forfeiture to be recovered and applied as fines heretofore mentioned.

IV. *And be it further enacted, by the authority aforesaid*, that the said commissioners shall meet on the second Monday in July, October, January and April, and oftener if circumstances shall render it necessary, and at their first meeting elect a chairman, who shall be the treasurer to the said commissioners, and preside and vote at their meetings; and they shall also elect a clerk or register, who shall keep all plots, plans, deeds, grants, records, and registers, and all other public papers relative to the said town, and of all proceedings heretofore had, and which may be had before the commissioners of the said town; the said chairman and clerk to be chosen out of the commissioners aforesaid.

V. *And be it further enacted, by the authority aforesaid*, that the commissioners at their first meeting shall pass an order or ordinance directing in what manner the streets of the said town (for the convenience of inhabitants and others) shall be paved and otherwise improved, which order or ordinance the inhabitants of the said town shall be bound to obey and carry into execution within twelve months after passing the same, under the penalty of ten pounds for every months failure or neglect by any one of the said inhabitants after the expiration of the said twelve months, to be recovered in manner before directed as to other fines, and applied one half to the use of the intermer, the other half to the use of the town as the said commissioners shall direct.

VI. *And be it further enacted, by the authority aforesaid*, that none of the inhabitants of the said town shall on any pretence whatsoever suffer any of their swine, or geese, or goats to run or be at large within the bounds of the said town of Hillsborough; and every swine, goose or geese, goat or goats, running at large in the said town, shall be forfeited to any person who shall seize or kill the same, to whomsoever they may belong.

VII. *And be it further enacted, by the authority aforesaid*, that the commissioners be, and they are hereby empowered to contract with some person to inclose within a fence the church yard and the graves therein comprehended, and to impose a tax not exceeding two shillings per poll upon every white taxable person within the said town and the privileges thereof, and upon every black male or female the property of the inhabitants of the said town, to be and continue for the term of two years, to be collected by a constable or other persons appointed by the said commissioners, which constable in case of neglect or refusal is hereby appointed to do and run for the same; which tax when collected shall be paid into the hands of the treasurer or chairman of the said commissioners, and applied to wards the decently inclosing the said burial yard, the surplus thereof, if any there be, to be applied to the use of the inhabitants of the town, for the further regulation and improvement thereof.

VIII. *And be it further enacted, by the authority aforesaid*, that all laws and clauses of laws coming within the purview hereof are hereby declared to be void.

CHAP. LI. *An act to amend an act, intituled, an act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a jail for the district of Wilmington and other purposes, and for repairing the court house of the said district.* p. 112.

I. **W**HEREAS the trustees named in an act, intituled, *an act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a jail for the district of Wilmington, and other purposes*, passed at Hillsborough in May one thousand seven hundred and eighty three, have not yet been able to purchase a convenient lot of ground on which to erect a prison for the said district,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same*, that the said trustees shall not purchase less than half an acre of ground for the purpose aforesaid, that there may be sufficient room for a yard for the use of the prisoners, and a garden for the jailer, and ground on which to erect a work-house at a future day; and that such lot or lots be purchased in such part of the said town where it may be convenient to visit the said prison, but at the same time so removed from the principal part thereof as to avoid giving the high prices which lots generally bear therein.

III. And whereas the district court-house in the said town was during the war stripped of the flooring and the windows thereof destroyed, and the same is otherwise greatly injured; and until a permanent prison can be constructed it becomes immediately necessary to erect a temporary jail, not only for the purposes of confining common offenders and debtors, but for restraining riotous seamen and slaves; and the taxes heretofore imposed not being sufficient to answer all the purposes intended by this and the purposes intended by this and the before cited act, *be it therefore enacted, by the authority aforesaid*, that a tax for the present year of one shilling and four pence per poll; and so in proportion for lands, upon the inhabitants in the county of New Hanover, and a tax of six pence per poll, and so in proportion

for land upon the inhabitants in the counties of Onslow, Duplin, Bladen, Brunswick, Fayette, Sampson, and Moore; and the said taxes shall be assessed and collected in the same manner as public taxes, and shall be paid into the hands of the said trustees, or to the order of a majority of them; and the said tax shall continue to be assessed and collected for the two next successive years—under the pains and penalties for non-payment as may be had and used for the non-payment of public taxes; and the said trustees shall and may have and use the same mode of recovery against the collectors of the said taxes, as against the collectors of public taxes.

IV. And for the better securing the said taxes when collected, and the monies already collected, or heretofore imposed by virtue of any former act of the General Assembly, be it further enacted, by the authority aforesaid, that the said trustees, or a majority of them, shall appoint a treasurer to receive the same, who shall enter into bond with sufficient securities, in the penalty of one thousand pounds, payable to the said trustees, conditioned that he will, when thereto required, pay to the order or orders of the said trustees all such sum or sums of money as he shall receive by virtue of this act, first deducting thereout at the rate of two and a half per centum, for his trouble in receiving and paying the same, which bond shall be lodged with the clerk of the superior-court of Wilmington district, and may and shall be put in suit for a breach of the condition thereof; and in case of such suit the treasurer shall not be entitled to any commissions for receiving and paying the monies imposed by this or any other act, but judgment shall be given against him for the whole of the said monies which shall be paid to him, without any deductions whatever.

V. And be it further enacted, by the authority aforesaid, that the said trustees shall take a deed or deeds for the grounds which they may purchase for the purposes of a district jail to themselves in trust, for the use and uses of the said district; and shall as soon as the same can conveniently be effected, erect thereon a good and sufficient temporary jail, of such materials and dimensions as they shall think necessary; which jail when so erected shall be held and taken to be the jail of the said district, until another more convenient can be built; and the said trustees shall out of the monies already collected proceed without delay to the repair of the court-house in the said town, so as to render the same fit for the public business as speedily as possible.

CHAP. LIII. An act for appointing commissioners for selling the granaries in the counties of Franklin and Warren, and for repealing an act, intitled, An act for appointing commissioners for selling the lot number forty four in Warrenton, whereon the public granary now stands, and for other purposes, and for altering the times of holding courts in the county of Caswell.

I. WHEREAS the confirmation of peace with the United States of America and Great Britain has rendered the aforesaid granaries useless.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that James Derby, William Hill and Patewell Milner, or a majority of them, be and they are hereby appointed commissioners for selling the granary in the county of Franklin; and that John Macon, Benjamin Hawkins, and James Paine, Esquires, or a majority of them, be and they are hereby appointed commissioners for selling the granary in the county of Warren.

III. And be it further enacted, by the authority aforesaid, that the above said granaries shall be sold by their respective commissioners separately to the highest bidder, the purchasers giving bond and security to said commissioners, payable twelve months after the day of sale, with interest from the date, and the money arising from such sale to be accounted for by the said commissioners, and applied as other county monies.

IV. And be it further enacted, by the authority aforesaid, that all and every part of an act, intitled, an act for selling the lot number forty four in Warrenton, whereon the public granary now stands, and other purposes, be, and the same is hereby repealed and made utterly void.

The last Section Obsolete.

CHAP. LIV. An act to authorize and empower Isaac Gregory, Esquire, formerly sheriff of Pasquotank, now Pasquotank and Camden counties, to collect the arrears of taxes due him from the inhabitants of said counties, for the years one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four.

I. WHEREAS it is represented to this General Assembly that in consequence of the difficulties and confusion introduced by the commencement of the late war, large arrears of taxes, remains still due to Isaac Gregory, sheriff of Pasquotank, now Pasquotank and Camden counties.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act it shall and may be lawful for Isaac Gregory, Esquire, of Camden county, or for any other person or persons, by him authorized and empowered to receive and collect from all persons such arrears as may be due him for taxes, payable by the then inhabitants of Pasquotank county, in the years one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four, after the manner and custom by which taxes were then by law collected, such collection to be made agree-

able to the rules and lists of those years respectively; *Provided nevertheless*, if any person on whom a demand for such arrears of taxes may be made shall produce a receipt or receipts of his having paid the same, or in case of the loss of such receipts, shall within ten days after the demand is made, make oath before a Justice of the Peace of his having paid the same, or that he was not at the time for which the arrears of the taxes may be demanded liable to pay taxes in such county; on obtaining a certificate from the Justice of the Peace of his having so done, such person shall be exonerated and discharged from such demand.

III. *And be it further enacted, by the authority aforesaid*, that the said Isaac Gregory, or the person or persons for that purpose by him authorized and impowered, shall give at least one month's notice by advertising the same at the most public places within each of the counties of Pasquotank and Cambden, of the times and places when and where he or they will attend in order to receive such arrears of taxes; and all persons paying or tendering the same within the time limited, shall not be liable to either costs or charges; but in case of failure, it shall and may be lawful for the said Isaac Gregory, or the person or persons by him authorized and impowered as aforesaid, to make distress for the same in like manner as was by law prescribed for sheriffs to distrain for taxes in those times, for which such arrears are due and payable.

CHAP. LV. *An act to authorize Richmond Pearson to collect the specific tax which remains due from the inhabitants of the county of Rowan for the year seventeen hundred and eighty one; and also the commissioners of Franklin county to collect the arrears of taxes of said county for the years seventeen hundred and eighty, seventeen hundred and eighty one, and seventeen hundred and eighty two.*

I. **W**HEREAS the specific tax for the county of Rowan for the year seventeen hundred and eighty one, hath not been fully collected by reason of the resignation of the county commissioner for that year; and whereas some doubts have arisen as to the legality of the appointment of the commissioners of specific taxes of said county, for the year seventeen hundred and eighty-two, and as to his powers of collecting the arrearages of said taxes for the year seventeen hundred and eighty one.

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that Richmond Pearson be, and he is hereby authorized and appointed to collect the value of the said specific tax in money which remains due from the inhabitants of the said county for the year seventeen hundred and eighty one, according to the rates affixed by the last specific tax law, and that he collect the said tax, and account for the same under the same directions and penalties which sheriffs and collectors are by law bound and liable.

III. *And be it further enacted, by the authority aforesaid*, that the commissioners for receiving the specific tax in the county of Franklin, is hereby authorized and impowered to collect the arrearages of said taxes for the years seventeen hundred and eighty, seventeen hundred and eighty one, and seventeen hundred and eighty two, agreeable to the last specific tax-law; any law to the contrary notwithstanding.

CHAP. LVI. *An act to empower Arthur Brown, Esquire, late sheriff of Bertie county to collect the arrears of taxes due for the said county in the year one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy five.*

I. **W**HEREAS through the unavoidable confusion of the times great deficiencies are like to arise in the collection of the taxes for the county of Bertie, for the years one thousand seven hundred and seventy four, and one thousand seven hundred and seventy five, whereby Arthur Brown late sheriff of said county will become liable to the payment of large sums of money to the public,

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that from and after the passing of this act, Arthur Brown, late sheriff of Bertie county, or some person for that purpose authorized and impowered by him, shall have full power and authority to receive and collect the arrears of taxes due for the said county of Bertie, for the year of one thousand seven hundred and seventy four, and for the year one thousand seven hundred and seventy five, in the same manner and form as taxes were then by law collected.

III. *And be it further enacted, by the authority aforesaid*: that the said Arthur Brown, or such person as he shall for that purpose empower, do collect and receive such arrears of taxes according to the list and rates of each of the said years respectively appointed; *Provided nevertheless*, that if any person against whom any demand of such arrears of taxes shall be made shall produce a receipt or receipt of his having paid the same, or in case of the loss or mislaying such receipt or receipts, shall make oath before any Justice of the Peace within ten days after such demand made, of his having paid and discharged the same, or part thereof, or that he was not at that time a taxable in the said county, and obtain a certificate of the same from said Justice, such person shall be exonerated and discharged from such demand, either in part of the whole as the case may be.

IV. *And be it further enacted, by the authority aforesaid*, that the said Arthur Brown, or the persons by him for that purpose authorized and impowered, shall give one month's notice by public advertising the same at the court-house of said county, and all other public places within the same, of the time and place he, or such person as he shall for that purpose authorize and empower, will attend to receive such arrears of taxes; and all persons paying the same on

er before the time appointed by such notice shall not be liable to pay any cost or charges; and if any person or persons shall fail to pay such arrears of taxes agreeable to this act, it shall and may be lawful for the said Arthur Brown, or such person as he shall authorize and empower, to make distress for the same, in the same manner as was at the time the said taxes become due, by law appointed for sheriffs to distrain in other cases of the like nature.

CHAP. LVII. *An act to empower Edward Winslow to receive storage of tobacco inspected and deposited in the warehouse by him built at Fayetteville, by permission of the court of Cumberland.*

I. **BE** it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for Edward Winslow, his heirs and assigns, for the term of fifteen years from the passing of this act, to take and receive a storage on tobacco inspected and deposited in the said warehouse, at the following rates, that is to say: four shillings for each hoghead of tobacco inspected in the said warehouse, provided, it does not lay in the said warehouse more than twelve months, and one shilling per month for each hoghead that shall continue in the said warehouse over and above twelve months, to be paid by the person taking out or removing such tobacco from the warehouse: And provided, the said Winslow does and shall keep the said warehouse in good and sufficient repair for the inspection and storage of tobacco.

CHAP. LVIII. *An act for the relief of sundry petitioners inhabitants of Davidson county whose names are therein mentioned.*

I. **BE** it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the persons whose names follow, viz: John Cockrill, Ann Cockrill, formerly the widow Ann Johnston, Robert Espey, James Espey, John Buchanan, Cornelius Ruddle, James Mulkerin, James Food, Isaac Johnston, John Gibson, Francis Armstrong, John Kennedy, junior, Mark Robertson, William Ellis, James Thompson, James Shaw, James Franklin, Henry Howdissall, Pierce Castillo, Morris Shean, William Logan, David Flood, John White, Peter Leoney, William Collins, Jonas Manisfee, Daniel Williams, John Evans, Andrew Thompson, Casper Mansco, George Freeland, Daniel Johnston, Edward Swanson, Andrew Kellow, Francis Hodge, John Mulkerin, James Freeland, John Tucker, James Foster, Amos Heaton, Dennis Condry, Frederick Stump, Russel Gower, Andrew Ersin, Thomas Rater, Isaac Lindsey, Moses Winters, James Harris, John Brown, Lewis Crane, John Montgomery, Stephen Ray, Daniel Hogan, Thomas Spencer, Humphrey Hogan, Haydon Wells, Henry Ramsey, John Barrow, John Thomas, William Stewart, Samuel Walker, David Rounsevall, Arthur M. Adoe, James M. Adoe, Henry Turney, Samuel Barton, John Dunham, Ephraim Pratt, William Overall, and James Robertson, and the heirs or devisees of Zachariah White, Alexander Buchanan, James Leper, James Harrod, Alexander Thomson, David Maxwell, Robert Lucas, Timothy Tirrel, William Hood, Edward Carvin, William Necley, James Shanklin, Samuel Morrow, George Kennedy, John Robertson, Abel Cowen, senior, Abel Gowen, junior, Nicholas Trammell, Philip Mason, James Turpin, Nathan Turpin, Jacob Stump, Nicholas Gentry, William Cooper, Jacob Jones, James Mayfield, William Green, William Johnston, Samuel Scott, George Aspic, William Leighton, John Crutchfield, Joseph Hay, John Searcey, Isaac Lucas, Patrick Quigley, Jacob Stull, Joseph Milligan, Abraham Jones, David Fane, Benjamin Porter, Edward Lacimone, William Gausney, Jonathan Jennings, David Gervin, Jesse Bialston, Joseph Renfrew, Philip Conrod, William Gausway, John Bernard, John Lumiden, John Gilkey, Solomon Phelps, James John, Thomas Hainey, Alexander Allerson, John Blackamore, James Fowler, John Macmurtry, John Shoely, John Galloway, and Isaac Lafour, who were killed in the defence and settlement of the said county of Davidson, shall each and every one of them be entitled to receive from the Governor for the time being a grant for six hundred and forty acres of land, without being obliged to pay any price for the same: Provided, that every person receiving such grant shall pay the surveyors and other fees of office.

II. And be it further enacted, by the authority aforesaid, that Christopher Gais, senior, Christopher Gais, junior, Jonathan Gais, Casper Bocher, Richard Breeze, Phineas Cocke, Mark Nobles, John Kitts, Isaac Mayfield, Samuel Hollis, Isaac Rounsevall, Eneas Thomas, Joshua Thomas, Caleb Winters, John Buchanan, senior, John Kennedy, junior, John Castello, Robert Thomson, and Sampson Williams, shall each and every one of them be entitled to enter with the entry-taker of Davidson county six hundred and forty acres of land, without being obliged to pay any price for the same, except surveyors and other fees of office, which they and each of them may locate on any vacant land in the said county, the lands laid out for the officers and soldiers excepted; and the Governor is hereby authorized and required to make such grant in the same manner to each and every of the before named persons as if they had paid the full price of ten pounds per hundred acres.

III. And less dispute may arise by two or more pre-emption rights being located on the entry-taker's books of Davidson county to the same place, be it further enacted, by the authority aforesaid, that in such case the person in whose name such entry be first made shall have the preference; and a grant shall pass to him for the same; and the person or persons in whose name any other entry or entries shall be made and located to the same place may, and it shall be lawful for them to locate the same on any other vacant land; any law, usage, or custom to the contrary notwithstanding.

CHAP. LIX. *An act to alter the place of holding the county court in Pasquotank county from Winfield to the town of Nixonton in the said county, and to erect a new court-house, prison, pillory and stocks, in the said county.*

I. **W**HEREAS it is found that the situation of the court house in *Pasquotank* county is inconvenient to the greatest part of the inhabitants, which together with the ruinous condition of the prison, and the want of proper accommodations for persons obliged to attend on court and other public business at the place where the court-house now stands, renders it necessary to alter the place of holding the courts to the town of *Nixonton*,

II. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that Abraham Symons, Ambrose Knox, Devotion Davis, Joseph Stakeley, and Benjamin White, are hereby appointed commissioners to erect a court-house, prison, pillory, and stocks for the use of the said county; and they, or a majority of them, to agree with workmen to build and finish the same at the town of Nixonton in the said county: and if one or more of the said commissioners should remove from the said county, or die, then the survivor or survivors shall elect and chuse another or other commissioners to act in his or their stead.*

III. *And be it further enacted by the authority aforesaid, that the said commissioners are hereby empowered to receive all subscription money now collected or to be collected for building a court house for the use of the said county at the town of Nixonton, of thirty five feet by twenty-five, and sufficient and completely to finish the same; and not to proceed in the fulfilling this act till an ample sum is vested in their possession for the purpose of building the said court-house.*

IV. *And be it further enacted by the authority aforesaid, that so soon as the said court-house, prison, pillory and stocks shall be erected and finished, the Justices of the said county shall, and are hereby directed and required to adjourn the said court, by their order, from the place where the same is now held at Winfield to the court-house so to be erected and built at the town of Nixonton by virtue of this act; and all suits, actions, plaints, pleas, and other matters and things before the said court then depending and undetermined shall stand adjourned and continued accordingly; and all and every person and persons having day in the said court, and all witnesses shall be bound and obliged to appear at the same according to such adjournment.*

V. *And be it further enacted, by the authority aforesaid, that the said commissioners, or any two of them, are hereby empowered to purchase of the commissioners of the said town four lots of land within the said town, for the purpose of erecting buildings thereon, to hold to them the said commissioners and their heirs in fee simple, to the use of the said county for the purpose aforesaid.*

VI. *And be it further enacted, by the authority aforesaid, that the Justices of the said county are hereby authorized and empowered to levy a tax of one shilling on each and every hundred pounds taxable property within the said county, and the sum of one shilling on each person not taxed by his property; which tax shall be collected by the sheriff and by him accounted for to the Justices of the said county, for which he shall be allowed five per cent.*

VII. *And be it further enacted, by the authority aforesaid, that the said Justices are hereby empowered to sell all the materials of the old court-house and prison, which together with the aforesaid tax to be applied to the building and finishing the said prison, pillory and stocks; and on the completion of the said buildings if there shall remain any overplus of money in their hands, to pay the same to the Justices of the said county, and by them to be applied towards the payment of the contingent charges of the said county.*

VIII. *And be it further enacted, by the authority aforesaid, that all and every act and acts, clause or article heretofore made, for any thing within the purview of this act is, and are hereby repealed and made void.*

CHAP. LX. *An act for empowering the court of Brunswick county to adjourn to the place which they shall think most convenient for holding the same.*

I. **W**HEREAS by an act of the General Assembly passed in the year of our Lord one thousand seven hundred and seventy nine, the place for holding the courts of said county was altered from the town of *Brunswick* to the plantation of *John Bell* at *Lockwood's Folly*, and a tax laid upon the inhabitants of the county for paying the expenses of erecting a court-house, prison and stocks thereon, which by the depreciations of the currency was totally inadequate, and it being inconvenient and disagreeable to *Robert Bell* the present possessor of the said land to have the court held at his house;

II. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said court be empowered, and they are hereby authorized to adjourn to any convenient house not more than two miles distant from Lockwood's Folly bridge, until the necessary public buildings of the said county can be erected.*

III. *And be it further enacted, by the authority aforesaid, that William Gauze, Samuel Leonard, Lewis Dupree, Jacob Leonard and Henry Walters, be and are hereby appointed commissioners for agreeing with and employing proper workmen to build a good and substantial court-house, prison and stocks for the use of the said county, and that they be and are hereby empowered to purchase five acres of land where they or a majority of them shall think most convenient within the distance above described; and that in case of the death, removal or refusing to act of any of the aforesaid commissioners, that the remaining commissioners, or a majority of them, shall have power to appoint others to act in their stead.*

IV. *Objections.*

V. And be it further enacted, by the authority aforesaid, that so much of an act of the General Assembly of this state, intituled, an act for erecting a court-house, prison and stocks in Brunswick county, and other purposes, as comes within the purview of this act, be hereby repealed and declared void and of no effect to all intents and purposes whatsoever.

CHAP. LXIII. *An act to encourage Enoch Ward, Spyers Singleton, Christopher Neale and company, to cut a canal from Club Foot's Creek to Harlow's Creek.*

I. **BE** it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that if the said Enoch Ward, Spyers Singleton Christopher Neale and company, do or shall within the term of seven years from the passing this act cut, or cause to be cut, a canal from Club Foot's Creek to Harlow's Creek, the same shall be vested in the said Enoch Ward, Spyers Singleton, Christopher Neale, their heirs and assigns, and it shall and may be lawful for the said Enoch Ward, Spyers Singleton Christopher Neale and company, their heirs and assigns, to exact and levy a toll on all boats and vessels that shall pass through the same, at such rate and proportion as to them shall seem best: *Provided*, the said toll shall by the said Enoch Ward, Spyers Singleton, Christopher Neale, and company, their heirs and assigns, be levied every year between the first and tenth days in January, and advertised at the respective entrances into the said canal.

II. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the public to take the said canal when cut into their hands, upon paying to the said Enoch Ward, Spyers Singleton, Christopher Neale and company, their heirs and assigns, double the cost and charges of cutting the same, together with lawful interest on the said costs and charges.

CHAP. LXIV. *An act for vesting in James Williams, his heirs, executors, administrators and assigns, the property of the toll-bridge, known by the name of M'Craney's bridge, on the lower Little river in Cumberland county.*

I. **WHEREAS** a bridge over the lower Little river in Cumberland county at the place known by the name of M'Craney's bridge, now the property of James Williams, has by experience been found very convenient for travellers, and the said James Williams, being desirous of keeping the said bridge in good repair at his own expence, on condition of having the benefits thereof for the space of twenty-five years;

II. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said James Williams, his heirs, executors, administrators or assigns, to repair in the most substantial manner the bridge aforesaid; and after such repairs are compleatly finished, it shall and may be lawful for the said James Williams, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same the following rates, that is to say, for every man and horse four pence, for every horse and chair one shilling, for every four wheeled-riding carriage, including the horses drawing the same, two shillings, for every cart one shilling, for every waggon two shillings, for every led horse or ox three pence, for every head of neat cattle one penny, for every head of hogs or sheep one-half penny: *Provided nevertheless*, that no toll shall be demanded or received from any person when attending general or private musters, the annual elections, nor from the members of the General Assembly when on public business.

CHAP. LXV. *An act to authorise Theophilus Evans to receive toll at Rock fish bridge, by him built in Bladen county.*

I. **WHEREAS** it is represented to this General Assembly that Theophilus Evans, at a very considerable expence, hath built a beneficial and useful bridge on his own land across Rock fish creek in Bladen county, convenient for the great road leading from Fayetteville to Wilmington to cross the same; and whereas it is just and right that the said Theophilus Evans should be authorised to take a reasonable toll for a limited time, as a recompence for his trouble and the cost of building the said bridge and keeping the same in good repair.

II. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said Theophilus Evans, his heirs and assigns, for fifteen years next after passing this act, to demand and receive toll at the said bridge for all wheel-carriages, men, horses, and cattle that shall pass the same; and to put up a gate and lock thereon to compel the payment thereof; and the said Theophilus Evans, his heirs and assigns, shall be regulated at all times by the county court in respect to the sums he or they shall demand and receive as aforesaid.

CHAP. LXVI. *An act to encourage Enoch Sawyer to make a road through Pasquotank river swamp opposite to his plantation.*

I. **WHEREAS** a road through Pasquotank river swamp opposite to Sawyer's ferry would be of great advantage to travellers crossing Pasquotank river; and Enoch Sawyer having agreed to make it at his own expence, on condition of having the benefit thereof for the term of twenty-five years,

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that it shall and may be lawful for the said Enoch Sawyer to make a good and sufficient road or causeway through the said swamp opposite to the said ferry, which shall be at least twenty feet wide, and one foot high.

bove common tides; and after making the said road as aforesaid, it shall and may be lawful for the said *Enoch Sawyer*, his heirs, executors, administrators and assigns, to take and receive from all persons that shall pass through the same and cross his ferry, the following rates and no more, that is to say: for every person six pence, for every horse six pence, for every carriage of two wheels one shilling, for every carriage of four wheels two shillings, for every head of neat cattle four pence, for every hog or sheep one penny, for and during the term of twenty five years and no longer.

III. *And be it further enacted, by the authority aforesaid, that if any person or persons shall for fee or reward, contrary to the intent of this act, transport or carry any person or persons, their horses, carriages or effects, over the said ferry, such person or persons so offending shall for every offence forfeit and pay the sum of twenty shillings, to be recovered by a warrant before any Justice of the Peace, to be paid one-half to the informer, the other half to the said Enoch Sawyer, his heirs or assigns.*

IV. *And be it further enacted, by the authority aforesaid, that the said Enoch Sawyer, his executors, administrators, and assigns, shall provide good and sufficient boats or other craft for the transporting travellers and their effects: and shall keep the same, as also the said road or causeway in good and sufficient repair during the said term, under the penalty of five pounds specie for every neglect, one-half to the informer, the other half towards lessening the county tax, to be recovered in manner aforesaid.*

CHAP. LXVII. *An act to encourage Benjamin Smith to repair and complete the bridges and causeways through the Great Island opposite Wilmington.*

I. **W**HEREAS it appears that the encouragement formerly granted to *William Dry*, Esquire, for making a public road through the Great Island opposite to the borough of *Wilmington* was totally inadequate to the purposes intended; and the interior court of *Brunswick* county have unanimously raised the rates of ferriage to and from the before mentioned island; and recommended to the legislature "to grant unto the proprietor of said ferries such encouragement by law as may be necessary to finish a very laborious undertaking, which will be attended with great public utility."

II. *Be it therefore enacted, by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that Benjamin Smith, his heirs, executors, administrators or assigns, shall within three years from the passing of this act finish and complete a good and sufficient road through the said island, sixteen feet wide upon the surface, and two feet above high water mark at spring tides; the ditches on each side to be not less than eight feet wide, sufficiently clear to admit the free course of water for draining the causeway, and the inside of the ditches not to be less than fifteen feet from the outside of the causeway; also to make bridges agreeable to law over all the creeks that the said road shall cross, under the penalty of five hundred pounds, to be recovered by action of debt in any court of record having cognizance thereof, the one half to the person suing for the same, the other to be applied towards lessening the county tax.*

III. *And for the good encouragement of said Benjamin Smith to finish completely the road above-mentioned, in the best and most permanent method, be it further enacted, by the authority aforesaid, that in consideration thereof, he the said Benjamin Smith, his heirs, and assigns, shall and may hereafter receive for transporting passengers, their horses and effects over the north-west and north-east rivers, and middle creek, the following rates: for every foot passenger one shilling, for every single horse one shilling, for every single man and horse two shillings, for every wheel carriage nine pence per wheel, for every head of neat cattle six pence, for every head of sheep or hogs three pence, and for going over one of the said rivers half the said rates.*

IV. *And as a further encouragement to the said Benjamin Smith to cut, make, finish and keep the said ditches, road and bridges in instant repair, be it enacted, by the authority aforesaid, that it shall and may be lawful for the said Benjamin Smith, his heirs, and assigns, to be exempt from working his slaves on any other public roads in this state for the term of one year.*

V. *And be it further enacted, by the authority aforesaid, that the said Benjamin Smith, his heirs or assigns, shall from time to time after the said road and bridges are completely finished, for ever thereafter, at his or their expence keep the said road and bridges in sufficient and constant repair; and in case the said Benjamin Smith his heirs, executors, administrators, or assigns shall fail or neglect so to do, he or they shall be liable to the same pains and penalties for such failure or neglect as the overseers of any public road are liable to by virtue of any act or acts of assembly of this state.*

VI. *And be it further enacted by the authority aforesaid, that if any person or persons shall for fee or reward, contrary to the intent and meaning of this act, transport or carry any person or persons, their horses, carriages or effects, over either of the branches of Cape Fear river, in order to his or their passing through or over the said island, such person or persons so offending shall for each and every offence forfeit and pay the sum of five pounds, to be recovered by a warrant from any Justice of the Peace, one half to the informer, and the other half to the said Benjamin Smith, his heirs, executors, administrators, or assigns.*

VII. *And be it further enacted, by the authority aforesaid, that the said Benjamin Smith, his heirs, executors, administrators or assigns, shall provide good and sufficient boats and other proper crafts for transporting all travellers, their horses, carriages and effects; and for ever hereafter shall keep the same in sufficient and constant repair, and well and properly attended, under the same pains and penalties for such failure or neglect as the keepers of any public ferries*

are liable to by virtue of any act or acts of Assembly of this state, one half to the person suing for the same, and the other half to be applied towards lessening the county tax, to be recovered in any court of record within the counties of Brunswick or New-Hanover, wherein the same is cognizable.

IX. *And be it further enacted, by the authority aforesaid, that all and every other act and acts heretofore made, or so much thereof as comes within the purview of this act and are contrary thereto be, and are hereby repealed, made void and of none effect.*

CHAP. LXXIX. *An act to enable Mary Dowd to sue for and recover to her own use and the use of her children by her husband Conner Dowd, all debts due and owing to the said Conner, and all other things in action which the said Conner Dowd might lawfully sue for and recover were he a citizen of this state, and entitled to the benefit of its laws.*

I. **W**HEREAS Conner Dowd, the husband of Mary Dowd, hath attached himself in the cause of the late war to the British forces, whereby his property became forfeited to this state, but the court of the county of Chatham in which county the said property chiefly lay was returned to and allotted for the maintenance of the said Mary and her and his children, together with all debts and other things due and owing to the said Conner previous to the said forfeiture, but the said Mary, inasmuch as her husband is in full life, is disqualified to maintain suits for the recovery thereof;

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the distributions and allotment of the property above mentioned by the county court of Chatham to and for the use of the said Mary and her children as above mentioned shall be, and the same is hereby confirmed and established, and shall remain valid and indefeasible in law; and the said Mary shall be, and she is hereby enabled in her own name, and to and for her own use and the use of the children aforesaid, to sue for and recover all debts and other things in action whatsoever which to the said Conner belonged or which he was intitled to, or might have brought action for and have recovered previous to those acts of rebellion, or nonconformity to the laws of the state which were the causes of the said forfeiture; and the coverture of the said Mary shall not be pleaded or pleadable to any action commenced by her for or on account of any of the debts or things aforesaid, saving and reserving nevertheless to all and every person and persons whatsoever all and every action and right of action which they would have had respectively, had the said estate still remained in possession of the said Conner Dowd, in the same manner as if this act had never been made; And it is hereby declared and enacted, that any such action may be commenced by original attachment against the said Conner Dowd, in which the said Mary may be brought into court as a garnishee, or against her the said Mary in the first instance; any law or usage to the contrary notwithstanding.*

CHAP. LXX. *An act for enfranchising Ned Griffin late the property of William Kitchen.*

I. **W**HEREAS Ned Griffin, late the property of William Kitchen of Edgecomb county, was promised the full enjoyments of his liberty, on condition that he the said Ned Griffin should faithfully serve as a soldier in the continental line of this state for and during the term of twelve months; and whereas the said Ned Griffin did faithfully on his part perform the condition, and whereas it is just and reasonable that the said Ned Griffin should receive the reward promised for the services which he performed;

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the said Ned Griffin, late the property of William Kitchen, shall forever hereafter be in every respect declared to be a freeman; and he shall be, and he is hereby enfranchised and for ever delivered and discharged from the yoke of slavery; any law, usage or custom to the contrary thereof in anywise notwithstanding.*

CHAP. LXXI. *An act to vest in Nathaniel Allen and others certain lands therein mentioned.*

I. **W**HEREAS Nathaniel Allen, Allen Jones, Nathaniel Jones, William Richardson Davie, Samuel Dickinson, James West Greene, and James Anderson, have requested proper public encouragement to drain the lake of Scupperlong in the county of Tyrrel;

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that all the lands lying below the present low-water mark of the said lake of Scupperlong, which they the said Nathaniel Allen, Allen Jones, Nathaniel Jones, William Richardson Davie, Samuel Dickinson, James West Greene, and James Anderson, their heirs or assigns, shall drain within the term of seven years is hereby given and granted to them, their heirs and assigns for ever, to hold to them, their heirs and assigns respectively, as tenants in common, and not as joint tenants.*

III. *And be it further enacted, by the authority aforesaid, that the lands by them so acquired in the lake of Scupperlong aforesaid, shall be exempt from the payment of taxes for the term of seven years above mentioned, saving however and reserving to all manner of persons all legal claims whatsoever.*

CHAP. LXXII. *An act to amend an act passed in the year one thousand seven hundred and eighty three, entitled, an act to vest certain lands in fee simple in Richard Henderson and others.* p. 116.

I. **W**HEREAS for reasons made known to and admitted by the General Assembly, the survey of the said lands could not be completed within the time prescribed by the said act ;

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that the said Richard Henderson and company shall have full power, right and authority to complete the said survey according to the said act of Assembly ; and if completed within the space of twelve months from the ratification of this act, shall be as full and effectual to all intents and purposes as if completed within the time prescribed by the said act.

CHAP. LXXIII. *An act to alter the name of Frederick Totevine to Frederick Lane.*

I. **W**HEREAS Frederick the son of Mary Totevine, late of Craven county, hath from the time of his nativity been called and known by the name of Frederick Totevine, and for special reasons the said Frederick hath petitioned this Assembly and earnestly prayed that his name might be altered by a law from Totevine to Lane ; and the reasons set forth in the said petition being judged sufficient,

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that from and after the passing of this act the name of Frederick Totevine shall be altered to the name Frederick Lane, and shall thenceforth be called and known by the name of Frederick Lane, and that by the said name of Frederick Lane he shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase, or otherwise ; and he may by the same name of Frederick Lane sell and dispose of lands and other property already or hereafter to be acquired, and finally in all things the said Frederick shall be able and capable in law and equity of negotiating and transacting all manner of business by the name of Frederick Lane, in as full and ample a manner as if he had been called and known by no other name from the time of his nativity ; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXIV. *An act for altering the names of Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, to that of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg.*

I. **W**HEREAS it is the earnest request of Moses Sugg, the natural father of the said Joshua, Moses, Aaron, Mark and William, that they should assume his surname,

II. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that from and after the ratification of this act the names of the said Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, shall be altered to the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg ; and they shall henceforth be called and known by the name of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg ; and that all and every devise, bequest, legacy, grant, deed, bill, promissory note, or other writing or assumption, of or from any person or persons whatsoever, heretofore made, granted, or done to the said Joshua, Moses, Aaron, Mark, and William, by the names of Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, shall be good and valid in law to all intents and purposes ; and that by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, they shall be, and hereby are jointly and severally and respectively enabled to take, receive, have, possess and enjoy any and every devise, bequest, legacy, estate, right, title, interest and property of, in and to any lands, tenements, hereditaments, goods, monies, profits, sum or sums of money, credits or chattels whatever, which shall or may be given, granted, assigned, conveyed, or made payable to him or them by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, in and by virtue of any last will or testament, deed, bill of sale, conveyance, bond, obligation, bill, promissory note, or other writing or assumption of, or from any person or persons whatsoever ; and that by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, he or they shall and may sue, and be sued and impleaded in any action or suit, as well in law as in equity or otherwise, and may therein plead, answer and defend, in full and ample manner, to all intents and purposes ; and that by the said name of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, he or they shall and may from the ratification of this act in all things whatever, be subject to the same restrictions, and entitled to the same privileges, benefits and emoluments, as if he or they had from the time of his or their nativity hitherto been lawfully called and known by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg.

IX Year of Independence. The 22d of October, 1784. First Session.

CHAP. XXIX. *An act for the encouragement of learning in the district of Salisbury.*

I. **W**HEREAS it appears to this General Assembly by the petition of the trustees of an academy at Charlotte in Mecklenburg county, lately known by the name Liberty-Hall, that from various reasons the same is in an entire state

of decay, and that it would be more eligible to have an academy for the education of youth at or near Salisbury, in the county of Rowan; and whereas the General Assembly are at all times disposed to give every proper encouragement for the promotion of learning, virtue and religion;

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is enacted by the authority of the same, that his excellency Governor Martin, the Hon. Samuel Spencer, Abraham Alexander, John M^r Knitt Alexander, Adlai Osborn, Samuel M^r Cockle, James Hall, David Caldwell, Spruce M^r Coy, Anthony Newnan, William H. Harrington, Mathew Locke, Thomas Polk, William Sharpe, Aadam Alexander, Peter Randolph, Joseph Williams, Benjamin Herndon, George Henry Burger, Joseph Winston, John Brown, William Hill, Caleb Pfifer, Joseph Dickson, John Walker, Charles M^r Dowall, Thomas Frohock, Valentine Beard, John Lewis Beard, Sam. Shutes, John Steel, Maxwell Chambers, and Mathew Troy, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of 'The trustees of Salisbury academy,' late known by the name of Liberty Hall; and by the name of the trustees of Salisbury academy shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, or any nine or more of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels, that shall be given them for the use of the said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements or hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof, shall be applied to and for the uses and purposes of establishing and endowing the said Salisbury academy in the county of Rowan, building or purchasing suitable and convenient houses for the same, providing a philosophical apparatus and public library and supporting and paying salaries to the president and such number of professors and tutors thereof as shall be necessary to instruct the students, and such as they shall be able to pay out of the funds that shall be in their hands.*

III. *And be it further enacted, by the authority aforesaid, that the said trustees and their successors, or any nine or more of them by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the purchasers, any such lands, rents, tenements or hereditaments aforesaid, when the condition of the grant to them, or the will of the devitor doth not forbid the same: and further that the said trustees and their successors for ever, or any nine or more of them shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever.*

IV. *And be it further enacted, by the authority aforesaid, that the said trustees or any seventeen or more of them be, and they are hereby empowered and authorized to convene at Salisbury on the twenty second day of March next after passing this act, and then and there agree and determine on the place where it may appear to them or a majority of them then present most convenient and proper to purchase or erect buildings for the said seminary; and also then and there elect and constitute by commission in writing under their or a majority of their hands, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office; and such president being so elected and commissioned, and the trustees or their successors, or any nine or more of them, at all other times thereafter, when convened and met together within the said county of Rowan, shall have full power and lawful authority to elect and constitute one or more professors or tutors, a secretary, a treasurer and steward; and also to make and ordain such laws, rules and regulations, not repugnant to the laws of this State, for the well ordering and governing the students, their morals, studies and academical exercises, as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and the progress they shall have made in useful knowledge; in general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and also that the said trustees, or any nine or more of them are hereby empowered, and shall have lawful authority to remove or displace the professors or tutors, the secretary, treasurer and steward, or any of them, if they should find it necessary; and further, that on the death, resignation or refusal to act, or either the professors or tutors, the secretary, treasurer or steward, others shall be elected in the room and stead of those dead, resigned or refusing to act.*

V. *And be it further enacted, by the authority aforesaid, that the treasurer of the said board of trustees shall enter into bond with sufficient security to the trustees aforesaid in the sum of one thousand pounds, conditioned for the faithful discharge of his office and the trust reposed in him, and that all monies and chattels belonging to the said corporation that shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever, that may belong, or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid the same method of recovering may be had against him as is or may be provided for the recovery of monies from sheriffs or other persons chargeable with public monies.*

VI. *And be it further enacted, by the authority aforesaid, that on the death of any trustee, or in case any trustee should resign or neglect to serve during the space of two years after his or their appointment, then said trustees or any nine or more of them shall elect some fit person or persons in the room of him or them dead, resigning or so neglecting to act.*

VII. *And be it further enacted, by the authority aforesaid, that nothing contained in this act shall be considered as tending to prevent the trustees from distinguishing their public hall, or their library by the names of such persons as may within two years give the most liberal donations to the said seminary. Provided, that this seminary shall not be con-*

strued to be any one of those mentioned in and intended by the constitution.

CHAP. XXX. *An act for levying a tax in the counties in Hillsborough and Salisbury districts for the repairs of the district buildings in the towns of Hillsborough and Salisbury, and directing the method of calling to account all commissioners of public buildings heretofore or hereafter to be appointed.*

I. II. III. IV. V. VI. VII. VIII. & IX. *Obsolete.*

X. **AND** whereas great abuses have arisen from the neglect of the several commissioners heretofore appointed within this state, for the repairing as well of the district as of the county court houses, and other public buildings; *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that the Justices of the several county courts within this state be, and they are hereby empowered, authorized and required, whenever they think necessary, to call on all and every person who is, has been or shall be a commissioner for building or repairing public buildings, whether for the district or the counties wherein they reside, to call for all monies by them received for any or either of the aforeaid purposes; and on failure, neglect or refusal, of any commissioner when called on by the Justices of any county court, to lay before them an account of all monies by them received and the expenditures of the same, it shall and may be lawful for the said Justices to enter up judgment against such delinquent commissioner or commissioners for such sum or sums of money as by the receipts of the county treasurer, sheriff or collectors, they may appear to have received, and execution for the same may and shall issue for the same to the use of the county or district, as the case may be, with costs; any law to the contrary notwithstanding.

The last section Obsolete.

CHAP. XXXI. *An additional act to amend an act, intituled, an act for purchasing a lot or lots in the town of Wilmington for the purpose of building a gaol for the district of Wilmington, and other purposes; passed at Hillsborough in the year one thousand seven hundred and eighty three: And an act intituled, an act to amend an act, intituled, an act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a gaol for the district of Wilmington, and other purposes, and for repairing the court house of said district; passed at Hillsborough last Assembly. p. 112 & 134.*

I. **WHEREAS** the trustees named in the act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a gaol for the district of Wilmington, have failed to purchase the said lot or lots, and to collect the monies imposed by the same act; or to perform any part of the services required thereby, or by an act to amend the said act, passed by the last General Assembly; and whereas the most of the said trustees live at such a distance from each other that it is inconvenient for them to meet so frequently as may be necessary to carry into effect the purposes intended by the said acts:

II. *Be it therefore enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* that James Gaskie, John Fergus, James Read, John Huske, Thomas McClaine, Henry Zouner, and Alexander Hestler, be, and they are hereby nominated and appointed trustees in addition to the persons named in the first mentioned act to carry the said act and the act to amend the same, passed last General Assembly into effect; and the said trustees or a majority of them are invested with all the powers and authority to carry the same acts into execution with which the trustees named in the said first mentioned were invested.

CHAP. XXXII. *An act to establish the principal streets of Fayetteville as laid down in a plan of the said town by commissioners appointed by an act passed at Hillsborough, the eighteenth day of April, in the seventh year of the Independence of this state, intituled, an act for appointing the several persons therein named to lay out the streets in Upper Campbellton in Cumberland county, and for the future regulation of the said town, and giving a further time for saving lots in the lower town, and for altering the name of Campbellton to Fayetteville. p. 108.*

I. **WHEREAS** the persons by the said act appointed have surveyed and laid off six principal streets and two squares in the said town, as by a plan thereof returned to the last session of Assembly and lodged in the secretary's office, will more fully appear;

II. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that the said principal streets and squares shall be confirmed and established agreeable to the said plan, and hereby they are confirmed and established.

III. *And be it further enacted, by the authority aforesaid,* that all power and authority by the said recited act given to the commissioners that hath either not been enforced or hath been suspended, shall succeed to the directors chosen by the inhabitants of the said town on the first day of January last, and their successors in office, together with the authority by the said act granted to the said directors as a body corporate.

IV. *And be it further enacted, by the authority aforesaid,* that any person or persons convicted before the said directors of obstructing the said principal streets or squares, by erecting new works on any part thereof contrary to the above recited act, or permitting old works to remain therein a longer time than limited by the commissioners in their report filed in the secretary's office with the said plan, or hereafter to be limited by the said directors shall by the judgment of the said directors remove the same at his or their own expence; and for any contempt of the said judge

every person or persons so offending shall forfeit the sum of five pounds for every month he or they shall suffer such works or buildings to remain after being noticed by the directors to remove the same. And it is enacted, that all forfeitures in consequence of such contempt shall be vested in the corporation of directors for the use of the said town.

V. And be it further enacted, by the authority aforesaid, that all former streets, roads and passages in the said town, not interfering with the beauty and regularity of the principal streets and squares aforesaid, agreeable to the plan thereof shall remain in their present situation. Provided, that it shall and may be lawful for the said directors to lay off such new streets as to them may seem most conformable to regularity and convenience, which said streets shall not be less than fifty feet in breadth; and the said streets on being so laid off are hereby declared subject to the same rules and regulations with the principal streets in the said town.

CHAP. XXXIII. An act for the inspection of tobacco in the town of Hillsborough.

I. WHEREAS it may be beneficial to the planters of tobacco in the western parts of this state that an inspection of that commodity be established in the town of Hillsborough.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the county court of Orange shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an act of the General Assembly, passed at Halifax in the year one thousand seven hundred and seventy seven, intitled, *an act to amend the staple of tobacco, and prevent frauds*. N. C. L. 2, 1777, 12, 337.

III. And be it further enacted, by the authority aforesaid, that the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hoghead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prising and every thing necessary thereto.

IV. And be it further enacted, by the authority aforesaid, that all tobacco so inspected shall be held and deemed merchantable tobacco as it the same had been inspected at any other inspection in this state. Provided, that nothing herein contained shall extend or be construed to extend to prevent the reinspection of any tobacco inspected at Hillsborough agreeable to this act, by the inspectors lawfully appointed at any inspection heretofore established by law to which it shall or may be carried for exportation if it shall appear that the tobacco so inspected has been rolled or otherwise damaged in its passage from the ware house at Hillsborough to the port where it may be received. And Provided also, that no tobacco inspected at said ware house shall be held or deemed a lawful tender, or payment of any tobacco contract heretofore made, until reinspected at some other ware house; any law to the contrary notwithstanding.

CHAP. XXXIV. An act to remove all disabilities from Simon Cleary, and others therein named.

I. WHEREAS Timothy Cleary (otherwise Cleary) late of the town of Newbern deceased, departed this life on or about the month of September, in the year of our Lord one thousand seven hundred and seventy five, without issue, possessed of a considerable real and personal estate, the real estate descending to his eldest brother and heir at law Simon Cleary, and the personal estate after deducting the distributive share of the widow to the said Simon Cleary, Patrick Cleary, Esther Bectle widow, otherwise Cleary, Thomas Connor and Margaret his wife otherwise Cleary, and Mary Cleary, single woman, brothers and sisters of the said Timothy; and whereas the said brothers and sisters of the deceased, were inhabitants of the kingdom of Ireland and other parts without the limits of the United States by reason of which the commissioners of confiscated estates for the county of Craven have seized and sold the greatest part of the said estate which formerly belonged to the said Simon Cleary, Patrick Cleary, Esther Bectle, Thomas Connor and Margaret his wife, and Mary Cleary; the said Simon, Patrick, Esther, Margaret and Mary, nor any of them, not appearing at the first General Assembly which was held after the first day of October, one thousand seven hundred and seventy eight, agreeably to an act commonly called the confiscation act, passed in December one thousand seven hundred and seventy seven; and whereas the said Patrick Cleary hath applied to this present General Assembly and offered testimonials to induce a belief that he hath made several attempts to come to this state during the war, properly empowered by his brothers and sisters; the first of which attempts appears to be on or about the latter end of the year one thousand seven hundred and seventy six; but was each and every time unfortunately taken by privateers; and whereas the General Assembly have resolved that the several claimants of the estate of the said Timothy are entitled to relief, and have voted that they shall receive out of the public treasury, the amount of the sales of the said estate; and it is necessary that they should be further relieved by enabling them or some of them to commence an action or actions for the recovery of such part of the estate as hath not been sold, and the rents, issues and profits thereof; and of such things in action, if any, as may be in the hands of individuals.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that it shall and may be lawful for the said Patrick Cleary to sue for and obtain letters of administration on the personal estate of his deceased brother, unadministered by James Coor, John Hawks and David Barron, and the survivors of them, and as administrator to commence and prosecute such suit and suits as may be necessary, and in the name of the said Simon Cleary, other the heir or heirs at law of the said Timothy, to commence and prosecute.

due to final judgment any suit or suits either in law or equity which may be necessary for the recovery of any of the real estate which was of said *Timothy Clear*, any law to the contrary notwithstanding.

CHAP. XXXV. *An act to amend an act, intitled, An act for establishing a town in Jones county, &c. 127. Also an other act, intitled, an act for dividing Craven county into two distinct counties, and for other purposes therein mentioned.*

I. **W**HEREAS by the last recited act the commissioners appointed for erecting the public buildings of *Jones county* did agreeable to said act purchase five acres of land for the purposes aforesaid, which said five acres of land are more than found necessary for the public buildings of said county, and are in the most valuable part in the town of *Trenton*; N. C. L. 1, 1779, 18, 372.

II. *Be it therefore enacted, by the General Assembly, and by the authority of the same, that the directors or trustees appointed by the first recited act for establishing a town in Jones county, and their successors, shall stand seized of a indefeasible estate in fee simple of the said five acres of land, and cause the same to be divided into half acre lots, numbered and inserted in the plan of said town, and take subscriptions for the same; and the said directors or a majority of them shall execute deeds of conveyances under the same rules, regulations and restrictions, as is directed by the before-recited act, and the money arising from such sale shall be applied towards finishing the public buildings of said county.*

III. *And be it further enacted, by the authority aforesaid, that the Justices of the said county of Jones, or a majority of them shall make choice of any one lot within the said town that they shall think most convenient for the sole purpose of erecting a gaol thereon, for the use of the said county; and the lot so chosen shall be and is hereby vested in the Justices of said county of Jones, and their successors in office, for the purpose aforesaid; and the trustees and directors of the said town are hereby declared to have no power to convey the said lot to any person, or for any other use whatsoever; any thing in the before recited acts to the contrary notwithstanding.*

IV. *And be it further enacted, by the authority aforesaid, that the directors and trustees for the time being, or a majority of them, shall and are hereby impowered to make any order they may think proper for opening streets, preventing mortar, clay or wooden chimneys being built, and pulling down such as are already built, if judged by them to be a nuisance, for obliging all persons to clear the streets before their houses, and for all other things for the good and safety of the said town and the proper regulation of it, consistent with the laws of this State, and to enforce such orders by laying a fine not exceeding five pounds, on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offender's goods in the same manner as goods are lawfully sold for the payment of small debts, and the money applied to the use and benefit of the said town.*

CHAP. XXXVI. *An act to establish the town of Morgan, and to direct the building a court-house and prison in the same, for the district of Morgan.*

I. **W**HEREAS the commissioners appointed by a late act of Assembly have purchased two hundred and thirty acres of land in *Burke county* for a town and town common, at a place called the *Alder Springs*, and have laid off twelve lots of twelve rods square, and forty two lots six rods in front and twelve rods back, with two main streets six rods wide; and have reserved four lots of twelve rods square for the said public buildings, and for the convenience of water agreeable to a plan herewith presented to this General Assembly;

II. *Be it therefore enacted, by the Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said two hundred and thirty acres of land shall be, and the same is hereby established a town by the name of Morgan, agreeable to the said plan.*

III. *And be it further enacted, by the authority aforesaid, that the said four lots of twelve rods square reserved for the public buildings, and for the convenience of water, shall be and remain public property for the same uses for ever.*

IV. *And if any private person shall for his own use, build, place or make on any part of the said four lots, or in the streets of the said town, any house, cabin, stable, or other obstruction, the commissioners of the said town hereafter appointed, and their successors, shall have full power and authority to pull down, destroy and remove the same houses, cabins, stables and obstructions, so raised or made.*

V. *And be it further enacted, by the authority aforesaid, that General M^d Dowell, John Blanton and Alexander Irwin, be and they are hereby appointed commissioners of the said town of Morgan, and they are hereby impowered and directed to sell out the said lands in lots, thirteen adjoining and nearest the court house square at ten pounds each, and the remainder in proportion; and out of the monies arising from the sales first pay forty pounds, being the purchase money for the said lands; and the remainder thereof apply towards building a court-house and prison for the said district of Morgan on the lots reserved for that purpose; and the said commissioners are hereby impowered to demand and receive the taxes collected, and which shall be collected in the district of Morgan, for building the said court-house and prison, and are hereby fully impowered to apply the said monies to the purposes aforesaid, and to let out the whole or any part of the work at public auction to the lowest bidder or by private contract, and to make all and every other contract for work and materials that shall be necessary to carry on the said buildings with dispatch.*

CHAP. XL. *An act for empowering the commissioners of public buildings, in Bladen county to sell the public lots reserved for said buildings, to purchase others and build the court-house on the street, if more eligible in their opinion.*

I. **W**HEREAS the lots reserved in the town of Elizabeth for erecting the court-house and other public buildings on are inconveniently situated, and by no means agreeable to the wishes of the inhabitants of the said county;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that the commissioners or a majority of them, who were heretofore appointed to superintend the public buildings of said county of Bladen, are hereby authorized and empowered to sell the said public lots in the town of Elizabeth, and convey titles in fee-simple for the same; and that the said commissioners shall be further empowered to purchase such other lot or lots as they or a majority of them shall think proper, for the purpose of erecting the said public buildings on.

III. *And be it further enacted, by the authority aforesaid,* that if the said commissioners or a majority of them should be of opinion that the court-house of the said county of Bladen for convenience should be erected on a street of the said town of Elizabeth, then and in that case it shall be lawful for the said court-house to stand in such place as by the said commissioners or a majority of them shall be directed.

IV. *Provided, and be it enacted,* that the said commissioners shall and are hereby directed to account for all such monies as shall remain in their hands from the sale of said lots over and above what they may lay out in purchases for the aforesaid purposes.

CHAP. XLI. *An act for removing the public buildings of Mecklenburg county from Charlotte to the centre of said county, appointing commissioners to find said centre, and to superintend the erecting a court-house, prison and stocks, as near said centre as convenience will permit, and altering the mode of annual elections in said county.*

I. **W**HEREAS the present court-house of said county stands within ten miles of Catawba river, and within eight miles of the Catawba Indians being the western limits of said county, and upwards of forty miles from the eastern limits of said county; and in order that justice may be done to the inhabitants of said county,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that Colonel George Alexander, William Matthews, Samuel Harris, Zacheus Wilson, Hezekiah Alexander, Col. Robert Irwin, John Leopard, James Henry and Martin Phifer, jun. be and they are hereby appointed commissioners to make an accurate survey of said county, and in case said centre should be found not to exceed seven miles from Charlotte this act is to be void and of no effect, but if said centre should exceed seven miles from Charlotte, said commissioners are authorized to purchase four acres of land in the most convenient place not exceeding one mile from the said centre, for the purpose of erecting the said public buildings thereon; and the said commissioners are hereby empowered and directed to agree and contract with workmen for erecting, building and finishing a court house, prison and stocks, for the use of the said county of Mecklenburg, at such place as a majority of said commissioners shall agree upon, limited as aforesaid.

III. *Obsolete.*

IV. *And be it further enacted, by the authority aforesaid,* that said commissioners are hereby empowered and required to call on the stray master of said county to settle with and pay into the hands of said commissioners all the monies that may be in the hands of the said stray master by virtue of his office as stray master, an account of which monies said stray master shall render on oath to the said commissioners, together with all obligations for money in consequence of his office, to be applied by said commissioners towards defraying the expence of said buildings; and in case said stray master after twenty days previous notice, should neglect or refuse to comply with the requisitions of this act, he shall forfeit and pay unto the said commissioners the sum of five hundred pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, any law to the contrary notwithstanding.

V. *And be it enacted, by the authority aforesaid,* that the Justices of the said county are hereby required to adjourn themselves to the new court-house as soon as it may be fit for their reception; and that from and after the passing of this act the annual elections for representatives in General Assembly shall be held at the place appointed by said commissioners for said court-house for the whole county, any law to the contrary notwithstanding.

CHAP. XLII. *An act for clearing and opening the navigation of Tar river and Fishing creek, in the counties of Pitt, Edgcomb and Halifax.*

I. **W**HEREAS the opening and clearing Tar river, from the dividing line of Beaufort and Pitt counties up to the dividing line of Pitt and Edgcomb counties, and from thence up the said river as far as the county court of Edgcomb shall think proper; and the said Fishing creek from the mouth thereof up to Wiatt's bridge, would render the said river and creek useful and advantageous, and will be of great utility in transporting every kind of produce to market, and greatly enhance the value of lands in the said counties;

II. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that from and after the passing of this act it shall and may be lawful for the Justices of the counties of Pitt, Edgcomb and Halifax, at the first court to be held for their respective counties after the first day of March next, and they are hereby required to apportion and lay off in convenient districts all the inhabitants of their counties respective-

due to final judgment any suit or suits either in law or equity which may be necessary for the recovery of any of the real estate which was of said *Timothy Clear*, any law to the contrary notwithstanding.

CHAP. XXXV. *An act to amend an act, intitled, An act for establishing a town in Jones county, p. 127. also an other act, intitled, an act for dividing Craven county into two distinct counties, and for other purposes therein mentioned.*

I. **W**HEREAS by the last recited act the commissioners appointed for erecting the public buildings of Jones county did agreeable to said act purchase five acres of land for the purposes aforesaid, which said five acres of land are more than found necessary for the public buildings of said county, and are in the most valuable part in the town of Trenton; N. C. L. 1, 1779, 18, 372.

II. *Be it therefore enacted, by the General Assembly, and by the authority of the same, that the directors or trustees appointed by the first recited act for establishing a town in Jones county, and their successors, shall stand seized of a indefeasible estate in fee simple of the said five acres of land, and cause the same to be divided into half acre lots, numbered and inserted in the plan of said town, and take subscriptions for the same; and the said directors or a majority of them shall execute deeds of conveyances under the same rules, regulations and restrictions, as is directed by the before-recited act, and the money arising from such sale shall be applied towards finishing the public buildings of said county.*

III. *And be it further enacted, by the authority aforesaid, that the Justices of the said county of Jones, or a majority of them shall make choice of any one lot within the said town that they shall think most convenient for the sole purpose of erecting a gaol thereon, for the use of the said county; and the lot so chosen shall be and is hereby vested in the Justices of said county of Jones, and their successors in office, for the purpose aforesaid; and the trustees and directors of the said town are hereby declared to have no power to convey the said lot to any person, or for any other whatsoever; any thing in the before recited acts to the contrary notwithstanding.*

IV. *And be it further enacted, by the authority aforesaid, that the directors and trustees for the time being, or a majority of them, shall and are hereby impowered to make any order they may think proper for opening streets, preventing mortar, clay or wooden chimneys being built, and pulling down such as are already built, if judged by them to be a nuisance, for obliging all persons to clear the streets before their houses, and for all other things for the good and safety of the said town and the proper regulation of it, consistent with the laws of this state, and to enforce such orders by laying a fine not exceeding five pounds, on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offender's goods in the same manner as goods are lawfully sold for the payment of small debts, and the money applied to the use and benefit of the said town.*

CHAP. XXXVI. *An act to establish the town of Morgan, and to direct the building a court-house and prison in the same, for the district of Morgan.*

I. **W**HEREAS the commissioners appointed by a late act of Assembly have purchased two hundred and thirty acres of land in Burke county for a town and town common, at a place called the *Alder Springs*, and have laid off twelve lots of twelve rods square, and forty two lots six rods in front and twelve rods back, with two main streets six rods wide; and have reserved four lots of twelve rods square for the said public buildings, and for the convenience of water agreeable to a plan herewith presented to this General Assembly;

II. *Be it therefore enacted, by the Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same: that the said two hundred and thirty acres of land shall be, and the same is hereby established a town by the name of Morgan, agreeable to the said plan.*

III. *And be it further enacted, by the authority aforesaid, that the said four lots of twelve rods square reserved for the public buildings, and for the convenience of water, shall be and remain public property for the same uses for ever.*

IV. *And if any private person shall for his own use, build, place or make on any part of the said four lots, or in the streets of the said town, any house, cabin, stable, or other obstruction, the commissioners of the said town hereafter appointed, and their successors, shall have full power and authority to pull down, destroy and remove the same houses, cabins, stables and obstructions, so raised or made.*

V. *And be it further enacted, by the authority aforesaid, that General McDowell, John Blanton and Alexander Irwin, be and they are hereby appointed commissioners of the said town of Morgan, and they are hereby impowered and directed to sell out the said lands in lots, thirteen adjoining and nearest the court house square at ten pounds each, and the remainder in proportion; and out of the monies arising from the sales first pay forty pounds, being the purchase money for the said lands; and the remainder thereof apply towards building a court-house and prison for the said district of Morgan on the lots reserved for that purpose; and the said commissioners are hereby impowered to demand and receive the taxes collected, and which shall be collected in the district of Morgan, for building the said court-house and prison, and are hereby fully impowered to apply the said monies to the purposes aforesaid, and to let out the whole or any part of the work at public auction to the lowest bidder or by private contract, and to make all and every other contract for work and materials that shall be necessary to carry on the said buildings with dispatch.*

CHAP. XL. *An act for empowering the commissioners of public buildings, in Bladen county to sell the public lots reserved for said buildings, to purchase others and build a court-house on the street, if more eligible in their opinion.*

I. **W**HEREAS the lots reserved in the town of Elizabeth for erecting the court-house and other public buildings are inconveniently situated, and by no means agreeable to the wishes of the inhabitants of the said county;

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that the commissioners or a majority of them, who were heretofore appointed to superintend the public buildings of said county of Bladen, are hereby authorized and empowered to sell the said public lots in the town of Elizabeth, and convey titles in fee-simple for the same; and that the said commissioners shall be further empowered to purchase such other lot or lots as they or a majority of them shall think proper, for the purpose of erecting the said public buildings on.

III. *And be it further enacted, by the authority aforesaid,* that if the said commissioners or a majority of them should be of opinion that the court-house of the said county of Bladen for convenience should be erected on a street of the said town of Elizabeth, then and in that case it shall be lawful for the said court-house to stand in such place as by the said commissioners or a majority of them shall be directed.

IV. *Provided, and be it enacted,* that the said commissioners shall and are hereby directed to account for all such monies as shall remain in their hands from the sale of said lots over and above what they may lay out in purchases for the aforesaid purposes.

CHAP. XLI. *An act for removing the public buildings of Mecklenburg county from Charlotte to the centre of said county, appointing commissioners to find said centre, and to superintend the erecting a court-house, prison and stocks, as near said centre as convenience will permit, and altering the mode of annual elections in said county.*

I. **W**HEREAS the present court-house of said county stands within ten miles of Catawba river, and within eight miles of the Catawba Indians being the western limits of said county, and upwards of forty miles from the eastern limits of said county; and in order that justice may be done to the inhabitants of said county,

II. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that Colonel George Alexander, William Matthews, Samuel Harris, Zacheus Wilson, Hezekiah Alexander, Col. Robert Irwin, John Leopard, James Henry and Martin Phifer, jun. be and they are hereby appointed commissioners to make an accurate survey of said county, and in case said centre should be found not to exceed seven miles from Charlotte this act is to be void and of no effect, but if said centre should exceed seven miles from Charlotte, said commissioners are authorized to purchase four acres of land in the most convenient place not exceeding one mile from the said centre, for the purpose of erecting the said public buildings thereon; and the said commissioners are hereby empowered and directed to agree and contract with workmen for erecting, building and finishing a court house, prison and stocks, for the use of the said county of Mecklenburg, at such place as a majority of said commissioners shall agree upon, limited as aforesaid.

III. *Obsolete.*

IV. *And be it further enacted, by the authority aforesaid,* that said commissioners are hereby empowered and required to call on the stray master of said county to settle with and pay into the hands of said commissioners all the monies that may be in the hands of the said stray master by virtue of his office as stray master, an account of which monies said stray master shall render on oath to the said commissioners, together with all obligations for money in consequence of his office, to be applied by said commissioners towards defraying the expence of said buildings; and in case said stray master after twenty days previous notice, should neglect or refuse to comply with the requisitions of this act, he shall forfeit and pay unto the said commissioners the sum of five hundred pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, any law to the contrary notwithstanding.

V. *And be it enacted, by the authority aforesaid,* that the Justices of the said county are hereby required to adjourn themselves to the new court-house as soon as it may be fit for their reception; and that from and after the passing of this act the annual elections for representatives in General Assembly shall be held at the place appointed by said commissioners for said court-house for the whole county, any law to the contrary notwithstanding.

CHAP. XLII. *An act for clearing and opening the navigation of Tar river and Fishing creek, in the counties of Pitt, Edgcomb and Halifax.*

I. **W**HEREAS the opening and clearing Tar river, from the dividing line of Beaufort and Pitt counties up to the dividing line of Pitt and Edgcomb counties, and from thence up the said river as far as the county court of Edgcomb shall think proper; and the said Fishing creek from the mouth thereof up to Wiatt's bridge, would render the said river and creek useful and advantageous, and will be of great utility in transporting every kind of produce to market, and greatly enhance the value of lands in the said counties;

II. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that from and after the passing of this act it shall and may be lawful for the Justices of the counties of Pitt, Edgcomb and Halifax, at the first court to be held for their respective counties after the first day of March next, and they are hereby required to apportion and lay off in convenient districts all the inhabitants of their counties respective-

ly, who are resident within six miles of the said river or creek, and appoint some person in each of the said districts properly qualified as overseer who shall cause all persons within the district to him allotted who are liable to work on public roads, to work on that part or division of the said river or creek which the court of the county wherein he resides shall direct, at least six days in each and every year, unless otherwise directed by the court, when they shall cause the inhabitants of the district to him allotted as aforesaid to be employed in cutting and removing all logs, brush and other incumbrances, which obstruct the navigation, and also in cutting down or otherwise killing all kinds of trees likely to fall into or obstruct the navigation of the aforesaid river or creek, under the penalty of fifty pounds current money for failure or neglect, to be recovered and applied as fines and forfeitures incurred by overseers of roads; and all and every person liable to work as aforesaid who shall fail when summoned or warned agreeable to the custom in case of working on roads, to appear with such tools as the overseer shall direct and work accordingly, shall forfeit and pay the sum of ten shillings each day he shall fail or neglect, to be recovered and applied as fines for failing to appear and work on public roads.

III. And in order to keep the navigation of the said river and creek open, be it enacted, that in case any person shall fall any tree, or make any hedge in or across the said river or creek, or otherwise obstruct the navigation thereof, shall for every such offence, being thereof convicted before any Justice of the Peace of the county wherein the offence shall be committed, forfeit and pay the sum of five pounds current money, and be obliged to remove the obstruction at their own expence, and shall be further liable to the action of any person or persons injured thereby; and if any negro slave found guilty of any of the above mentioned offences and convicted thereof, he, she or they by order of a Justice of the Peace shall receive thirty nine lashes well laid on his or her bare back for each and every such offence.

CHAP. XLIII. *An act to amend an act, entitled, An act for laying a tax in the county of Northampton for repairing the public buildings thereof, and to appoint and empower commissioners for that purpose.*

I. WHEREAS by the aforesaid act the commissioners are restrained from moving and rebuilding the court house in Northampton county more than one eighth of a mile from the place whereon the court house now stands, which by no means coincides with the wishes of the inhabitants of the said county;

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the commissioners appointed by the aforesaid act, or such of them as shall agree to act, may, and they are hereby authorized and empowered to contract for one or more acres of land to remove the buildings upon, more convenient than the present any where on the tract of land on which they now stand; any thing in the aforesaid recited act to the contrary notwithstanding.

CHAP. XLVI. *An act to release James Underwood and Job Ward from the forfeiture of a recognizance entered into for the appearance of a certain Daniel Campbell, before the superior court of Hillsborough district, and from a judgment given upon the said forfeiture.*

I. WHEREAS James Underwood and Job Ward were bound by a recognizance for the appearance of a certain Daniel Campbell before the superior court of Hillsborough district, to answer certain reasonable charges there, to be exhibited against him, and by the failure of the said Campbell to appear according to the said recognizance before the said court, judgment has been given against them for the sum of five hundred pounds, and their effects are now liable to be sold to satisfy the said judgment; and whereas it is represented to this General Assembly that the said James Underwood and Job Ward are in very indigent circumstances, and that the execution of the said judgment will reduce them and their families to very great distress;

II. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the said James Underwood and Job Ward be and they are hereby released and fully and entirely discharged from the forfeiture and judgment aforesaid, in the same manner as if the said forfeiture had never happened.

CHAP. XLVII. *An act to enable Benjamin Blount, of Tyrrel county, trustee to Thomas Bogg to sue and recover for and to the use and uses of the children of the said Thomas Bogg all debts due and owing to the said Thomas Bogg, and all other things in action, which the said Thomas Bogg might have lawfully sued for and recovered.*

I. WHEREAS Thomas Bogg making it matter of conscience of taking the oath of allegiance to this State agreeable to an act of Assembly made and provided for that purpose, did on the twenty-seventh day of September in the year of our lord one thousand seven hundred and seventy seven, sell and dispose of all his estate both real and personal, agreeable to an act of assembly granting those persons who refused to take the oath aforesaid the liberty and privilege of disposing of their property: and whereas the said Thomas Bogg willing to make a necessary provision for his wife and children, did on the said twenty-seventh of September, one thousand seven hundred and seventy seven, transfer and over unto Benjamin Blount senior, of Tyrrel county, all the estate aforesaid by a deed of trust for the benefit and support of his wife and children; and whereas Hannah Bogg, the wife of the said Thomas Bogg is since dead,

so that the children in some measure are left destitute, and several suits have been commenced against the estate of the said *Thomas Bogg*, which may tend to impoverish his children, unless the said trustee should be empowered to sue in his own name for the debts and other things in action which were of the said *Thomas Bogg*.

II. *Be it therefore enacted, by the General Assembly, and by the authority thereof, that it shall and may be lawful for the said Benjamin Blount, his executors and administrators, to institute a suit or suits in his or their own name or names as trustees of the same Thomas Bogg, against every person or persons indebted to or having any of the effects of said Thomas Bogg in possession, or having converted the same to his or their own use, and to obtain judgment against such person or persons for the use of the children of the said Thomas Bogg, in the same manner as he the said Thomas Bogg might have done previous to the revolution in government, on giving bond and security to the county court of Tyrrel in such sum as the Justices shall require for the due and faithful application of such amounts as he shall recover to the bona fide creditors of the said Thomas Bogg, and the use and uses of his children and no others, any law or usage to the contrary notwithstanding.*

CHAP. XLVIII. *An act to secure the property of Elizabeth Bonner, in Beaufort county, in the hands of trustees.*

I. **W**HEREAS *Elizabeth Bonner* in Beaufort county, being of lawful age but of weak mind and understanding, and having some property given to her by the will of her late father *Thomas Bonner*, deceased, and being liable to seduction by designing persons for want of a proper authority to controul the said *Elizabeth Bonner*, and to conduct her property in the best manner for her use;

II. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that Thomas Bonner, brother of the said Elizabeth Bonner, and only surviving executor of the said Tho. Bonner, dec. and John Bonner, be and they are hereby appointed trustees, and authorized to take into their care and possession all the interest and property of the said Elizabeth Bonner, and to make a true inventory thereof, which inventory shall be exhibited in the county court of Beaufort upon oath by the trustees within six months after the passing of this act; and the said Elizabeth Bonner shall be subject to the controul of the said trustees; and that no contract, bargain or agreement, made by the said Elizabeth Bonner with any person or persons whatsoever shall be binding or of any force without the approbation or consent of the trustees aforesaid.*

III. *And be it further enacted, by the authority aforesaid, that the said trustees shall render their accounts of their proceedings in trust, to the county court of Beaufort annually upon oath, and the same shall be recorded by the clerk in the orphan book.*

IV. *And be it further enacted, by the authority aforesaid, that the said trustees before they shall possess themselves of the property of the said Elizabeth Bonner, by virtue of this act, shall enter into bond and security to the county court aforesaid, for the safe keeping and proper care of the said estate to the full amount thereof.*

V. *And be it further enacted, by the authority aforesaid, that if the trustees by this act appointed shall die or remove, that then and in that case full power and authority is hereby invested in the county court of Beaufort to appoint other trustees under the same rules and regulations as in this act directed.*

VI. *And be it further enacted, by the authority aforesaid, that the aforesaid trustees shall furnish the said Elizabeth Bonner from time to time and at all times sufficient entertainment and apparel that may be suitable to her fortune and the profits thereof, and account for the same.*

CHAP. XLIX. *An act to supply the loss of a patent for a certain tract of land lying in Currituck county granted to Richard Cummingforth.*

WHEREAS it is represented to this General Assembly, that a grant made to *Richard Cummingforth* in the year one thousand six hundred and ninety eight for a certain tract of land lying in Currituck county and bounded as follows, to wit, beginning at a pine on the bank head on the sound side running with the sound about south twenty degrees east forty seven chains to *Ann Bailey's* patent line, thence north seventy five degrees west ninety one and a half chains with said line to a pine, thence about north twenty degrees west seven chain, to an oak, thence south seventy five degrees east ninety one and an half chains to the first station; which said tract of land contains by estimation four hundred and thirty acres, and by unavoidable accident is destroyed or lost, whereby the title of the said land has become precarious; for remedy whereof,

II. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that so much of the said tract of land as has been not conveyed away in fee simple by said Richard Cummingforth shall be and the same is hereby confirmed in and to the said Richard Cummingforth his heirs and assigns forever as fully to all constructions and intents whatever, as the same would have remained had the said grant not been lost or destroyed, and as if the said Richard Cummingforth had the same now in his possession ready to be produced in defence and support of his title to the said land and in the same manner that so much of the said tract of land and every parcel thereof as has been legally conveyed away by the said Richard shall be, and is hereby confirmed to the grantees or bargainees of the said land in the same plight and condition, and with the same quantity of interest therein as is specified in the deed or deeds granted by the said Richard Cummingforth for the same, and provided that such*

deed or deeds have been executed and made with all the solemnities necessary in law to the perfecting such deed or deeds, such deed or deeds shall be good and indefeasible in law, and shall be deemed to convey the interest therein specified in the same manner as if the grant above mentioned had never been lost or destroyed. *Provided*, that nothing herein shall be construed so as to extend the lines contained in the said patent, or to give title to any other land than what was intitled in the old marked or processioned lines of said patent.

X Year of Independence. The 19th of November, 1785.

CHAP. VI. *An additional act to amend the several acts for regulating the town of Wilmington, and to regulate and restrain the conduct of slaves and others in the said town, and in the towns of Washington, Edenton and Fayetteville.*

WHEREAS the proprietors of the water-lots in the southern end of the town of *Wilmington*, have petitioned this present General Assembly, setting forth that the said lots, occasioned by the winding of the river, are of very inconvenient length, measuring from Front-street to the water, where shortest about four hundred and seventy feet, and where longest about eight hundred and thirty feet, and praying that a communication from South-street through the said lots until it intersects Church-street, and as near to Nun-street as may be found proper and convenient, may be opened and established by law, in such manner as will be most beneficial to the owners thereof, and as the commissioners of the said town shall direct, but so as that such communication shall not be less than sixty-six feet wide. And whereas it appears from the said petition, that the original proprietor of the said town of *Wilmington* intersected the said lots with a street, and that many of them were sold and disposed of as divided by the said street, and it will be more commodious for the inhabitants and others who may have occasion to transact business in the said town to have the communication opened and established by law;

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that it shall and may be lawful for the commissioners of the said town of *Wilmington*, and they are hereby required to lay out a new street, from South-street across the water-lots until it shall intersect Church-street, and as near to Nun-street as shall be found proper and convenient; and that such streets shall be laid off and marked as soon as the same can conveniently be done after the passing of this act.

And whereas after the said street shall be laid off, most of the water-lots between South-street and Castle-street, will still continue much longer than any other lots in the said town and it may be found convenient to open a street through them near the river:

II. *Be it therefore enacted by the authority aforesaid,* that the commissioners of the said town, may by the consent of the proprietors of three-fourth parts of the said lots, between South-street and Castle-street, lay out and mark a street intersecting the said lots near the water, but so as to leave sufficient room for wharves and ware-houses, and not less than sixty-six feet for the width of such street.

III. *And be it further enacted, by the authority aforesaid,* that the streets, and each of them to be laid off and marked by virtue of this act, shall be deemed public streets; and shall be under the same jurisdiction, restrictions and regulations as other streets in the said town of *Wilmington*:

And whereas the raising a revenue by casual and other taxations and rents will tend to lessen the annual tax on the inhabitants of the said town of *Wilmington*:

IV. *Be it therefore enacted by the authority aforesaid,* that the said commissioners shall out of the public monies which shall from year to year be by them assessed and collected, or which shall be paid to the town treasurer for fines or otherwise, construct and erect stalls in the market places; and that all persons bringing provisions of any kinds, or fruits, for sale, shall pay for the use of the said market place or stall such tax as shall be assessed by the commissioners from time to time; which taxes shall be rated according to the quantity of provisions and fruits to be exposed to sale in the said market places, *that is to say,* stipulated sums for every beef, mutton and veal and so of all other animal food; and stipulated sums for certain quantities of fruits and other vegetable productions to be paid to such officers as shall be appointed to collect the same, by the persons respectively who shall bring such provisions and fruits to the said town for sale, whether by land or water. *Provided always,* that the commissioners may suffer and permit persons bringing provisions and fruits to market in boats, to sell and dispose of the same at any public or private wharf, with the consent of the owner thereof; and persons bringing such by land to sell the same (butcher's meat excepted) from their carts contiguous to the market place.

V. *And be it further enacted, by the authority aforesaid,* that it shall and may be lawful for the commissioners of the said towns and they are hereby required as soon as their funds will permit, to build cellars under their market places or other public buildings in the said town, where the elevation of the ground will permit such cellars to be sunk of a proper depth, and such cellars to rent out from time to time for the benefit of the said town.

And whereas it is customary for many persons, as well in the country as in the several towns in this state, to permit their slaves to hire themselves out from day to day, by which great profits are acquired, and it is reasonable that those persons who derive such advantages from the labour of their slaves in the towns should contribute more than the ordinary taxes towards its support, and at the same time that a distinction should be made between such slaves as may be returned as taxable property in the said towns respectively, and such whose owners reside in the country, and re-

turn their taxable property there, although part of their slaves generally work in the towns. And whereas permitting slaves to hire themselves under proper restrictions and regulations, may be rendered convenient for such persons as may occasionally want daily labourers.

VI. *Be it therefore enacted by the authority aforesaid,* that from and after the first day of May next, it shall not be lawful for any slave in the towns of *Wilmington, Washington, Edenton, or Fayetteville*, to hire her or himself out, without first producing a permission in writing from the owner, or other persons having the care or management of such slave, directed to the commissioners, trustees or directors of the town where such slave shall be; who thereupon shall cause the said permission to be entered by the town clerk in their books and filed, for which the owner of the slave shall pay a fee of one shilling; and the commissioners shall cause a leaden or pewter badge to be affixed to some conspicuous part of the outer garment of such slave with a device, which may be altered from time to time, expressive of the intention of such badge; and every slave having a badge in manner by this act directed, may hire him or herself out, and may lawfully be hired by any person or persons whatever.

VII. *And be it enacted by the authority aforesaid,* that for all slaves who shall have badges as above directed, and who shall be town taxables, there shall be paid as follows, to wit: for every male slave being a tradesman there shall be paid yearly to the commissioners, trustees or directors the sum of sixteen shillings; for every male slave not being a tradesman the sum of ten shillings, and for every female slave the sum of eight shillings, but if any slaves having such badges shall not be returned as town taxables, then there shall be paid for every male slave being a tradesman twenty four shillings; for every male slave not being a tradesman the sum of fifteen shillings, and for every female slave twelve shillings, to be applied to other taxes assessed and collected in the said towns.

And that the taxes upon slaves having badges may be more easily collected and all fraud and evasion prevented.

VIII. *Be it enacted by the authority aforesaid,* that the taxes imposed by this act on slaves who shall be returned as town taxables, shall be paid and collected in the same manner as other town taxes; and that the taxes imposed on such slaves as may not be returned as town taxables, shall be paid or secured to be paid, to the satisfaction of the commissioners, trustees or directors, on or before the first day of July in every year, before any badge shall be by them granted as aforesaid.

And whereas there are many slaves in the said towns, who contrary to law have houses of their own, or are permitted to reside in the out-houses or kitchens of divers of the inhabitants, or in the houses of the free negroes, mulattoes, persons of mixed blood and others, and work and labour for themselves in several trades and occupations, stipulating to pay their owners such daily, weekly or monthly wages as shall be demanded of them; by reason of which robberies and frauds frequently happen, servants are corrupted, and the poor white inhabitants are deprived of the means of earning their subsistence by labour; for remedy whereof,

IX. *Be it enacted by the authority aforesaid,* that no slave shall be permitted to exercise any trade or occupation in the said towns respectively without a certificate from the owner, or other persons having the care or management thereof, directed as aforesaid, or without such badge as shall be given to slaves permitted to hire themselves; and all slaves permitted to exercise any trade or occupation as aforesaid, shall be subject to pay the same tax as slaves who are not returned as taxable property in the towns aforesaid, and to be paid or secured in manner as before directed. *Provided always,* that nothing herein contained, shall extend or be construed to extend to prohibit any person or persons residing in the said towns respectively, from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners residing in the said town, so that such slave or slaves be not permitted to receive the wages contracted for, nor the value of any article manufactured or made, or the work and labour done, but in all such cases the owner or other person having the care of slaves, shall make the contract and receive the monies arising therefrom.

And in order to discriminate between free negroes, mulattoes and other persons of mixed blood, and slaves;

X. *Be it enacted by the authority aforesaid,* that all persons of the above mentioned description, who are or shall be free, shall on or before the said first day of May next, apply to the commissioners, trustees or directors of the respective towns aforesaid, in order to have their names registered; and every such person coming into the said towns respectively to reside, shall within three days after their arrival make the like application; and the commissioners, trustees or directors are hereby authorized and required to give every such free person a badge of cloth, of such colour or colours as they shall respectively direct, to be fixed on the left shoulder, and to have thereon wrought in legible capital letters the word FREE: for registration of each of which names the town clerk shall receive two shillings, and the commissioners, trustees and directors respectively shall receive the sum of eight shillings for the use of their respective towns; which registration and badge shall continue in force during the time that such free person shall remain an inhabitant of the town in which he or she shall reside: and if any free negro, mulatto or other person of mixed blood, shall neglect or refuse to apply to the commissioners, trustees or directors as aforesaid, or shall refuse to receive a badge in manner by this act directed, every such person so neglecting or refusing shall be subject to pay the same tax that is hereby imposed on slaves who are not returned as town taxables, and who shall have badges to enable them to hire themselves: and that such free persons may be the better known, the Justices of the Peace who shall receive the returns of taxable property in said towns, shall in their yearly returns describe all such persons as are free, and are negroes, mulattoes or otherwise of mixed blood as aforesaid; and all such persons as a-

foresaid not paying their fines, fees and taxes shall be hired out for so long time as will pay the same respectively.

XI. *And be it further enacted, by the authority aforesaid,* that the commissioners of the said town, shall and may from time to time, make such ordinances and regulations, and under such fines, forfeitures and penalties as to them shall seem reasonable, for the better carrying the intentions of this act, and other acts for the better regulation of the said towns into execution, but so as that such ordinances and regulations do not contravene the fundamental constitutions and laws of the state, and so that the party thinking himself aggrieved thereby may appeal to the county court.

XII. *And be it enacted, by the authority aforesaid,* that if any slave permitted to hire him or herself out in manner by this act directed, should happen to be capitally convicted for any crime committed during the time that he or she shall have such permission, the owner of such slave shall not be allowed any compensation from the public or otherwise for the value thereof when executed.

XIII. *And be it also enacted, by the authority aforesaid,* that if any free person of mixed blood, or any free negro, residing within any of the said towns, shall be convicted of any felonious crimes with slaves in the town where he or she shall so reside, or shall receive any goods from any slave or slaves without a ticket from his, her or their owner or other person having the care and management of such slave or slaves, or shall receive or harbour in his or her house or otherwise, any runaway or absconding slave or slaves, every such free person being a negro or of mixed blood as aforesaid, shall upon conviction, forfeit and pay to the commissioners, trustees or directors of the town in which he or she shall reside the sum of ten pounds, to be levied off his or her property real or personal and applied to the stock of the town. *Provided always,* that if any such free person so convicted as aforesaid, shall upon such conviction signify his or her consent to remove from such town, and shall give security for such removal within ten days thereafter; and also that he or she will not reside in such town or within ten miles thereof, for the space of seven years, then it shall and may be lawful for the commissioners, trustees or directors as the case may be to take such security payable to themselves and their successors in office, and upon breach of the condition to put the same in suit and recover the penalty for the use of their town; and upon such bond being taken with security as aforesaid, the penalty inflicted upon conviction as before directed, shall be remitted to the offender, any thing herein contained to the contrary notwithstanding.

And whereas the laws and regulations made to prevent dealing and trafficking with slaves, have been found insufficient to prevent that dangerous and pernicious practice:

XIV. *Be it therefore enacted, by the authority aforesaid,* that if any free person shall either buy from or sell to any slave or slaves, or shall barter with any slave or slaves, any kind of goods or commodities whatsoever, or other thing, without a permission in writing from the master, mistress or other person having the management of such slave or slaves, every such free person shall on conviction forfeit and pay the sum of ten pounds, to be levied of his or her property as other recoveries by law; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding three months.

XV. *And it is hereby further enacted by the authority aforesaid,* that if any person or persons shall be convicted of entertaining any slave or slaves in his, her or their house or houses, or other place or places, in any manner whatsoever, for money or otherwise, every person convicted thereof shall forfeit and pay to the commissioners, trustees or directors of the town where such offence shall be committed, for the first offence ten pounds, for the second offence twenty pounds, and for the third offence shall be whipped publicly not exceeding thirty-nine lashes, and shall be thereby rendered infamous. *Provided always,* that when the offender shall be unable to pay the forfeiture, he or she may be whipped for the first or second offence or either of them.

And in order that persons dealing with slaves without permission as aforesaid, may the more easily be convicted:

XVI. *Be it enacted by the authority aforesaid,* that if any slave shall be seen going into any store or other house, and such slave shall carry into such store or house, any article or articles which may be supposed for sale, or any bottle, jug or other thing in which liquor may be conveyed, or shall bring out of such house or store any thing which may be supposed to have been purchased therein, and such slave shall not have a badge as is herein before directed for slaves who may be permitted to follow some trade or occupation, and proof shall be made of the facts, the same shall be deemed sufficient to convict the offender, unless he or she can produce a permission as aforesaid in writing from the master, mistress or person having the management of such slave. *Provided always,* that nothing herein contained shall be construed to prevent any slave or slaves from delivering to any person or persons residing in any of the said towns, any article of provisions or other thing which may be sent to any such person from their friends in the country or elsewhere, provided such slave has a written permission for so doing.

XVII. *And be it further enacted, by the authority aforesaid,* that the commissioners, trustees and directors of the said towns respectively, are hereby empowered and required to make such additions to and explanations of the several clauses of this act, relative to slaves, free negroes and free persons of mixed blood, as may tend to carry the same more effectually into execution against all persons who come within the purview thereof. *Provided always,* that all appeals from the commissioners, trustees or directors of the said towns respectively shall be tried by a jury.

CHAP. XX. An act for the better regulation of the town of Tarborough

WHEREAS the laws now in force for the regulation of the town of Tarborough are found to be insufficient.

I. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Robert Bignal, Edward Hall, Henry Irwin Tool, Thomas Blount, John Haywood, Thomas Gilchrist and Michael Hearn, Esquires, be and they are hereby appointed commissioners for the town of Tarborough, with full power and authority to open and keep the streets thereof in good order and repair; to which end they are hereby authorized and empowered to appoint an overseer or overseers of the same, with authority to summon the inhabitants of the said town to work thereon; and in case of the refusal or neglect of any inhabitant so summoned to appear and work upon the streets accordingly, or to procure a sufficient substitute in his stead to perform such work, every inhabitant so refusing or neglecting shall forfeit and pay the sum of eight shillings for each and every refusal or neglect, to be recovered by warrant under the hands and seals of any two of the said commissioners, on complaint made by the overseer and applied as is herein after directed. *Provided*, that excuses of inability arising from bodily infirmity, when tendered on oath, shall be admitted. *And provided also*, that no inhabitant of the said town shall be compelled to work on the streets more than twelve days in any one year.

II. And be it further enacted, by the authority aforesaid, that the said commissioners and their successors in office, shall and they are hereby declared to be a body politic and corporate, by the name and designation of the commissioners of the town of Tarborough; and that they may sue and be sued, implead and be impleaded as such, and shall have full power to make and issue orders, not inconsistent with the constitution, for carrying the purposes of this act into effect; and to appoint a treasurer, surveyor or surveyors, and such other officers as shall appear to them necessary for the better regulation and government of the said town, ascertaining the salaries, fees and perquisites of such officers.

And whereas from the many incroachments made on the streets of said town by erecting piazzas, porches and other buildings, and enclosures thereon, the inhabitants are incommoded:

III. Be it therefore further enacted, that the commissioners thereof be and they are hereby empowered and required to impose a ground rent, not exceeding twenty shillings, to be paid annually for each piazza, porch or other encroachment on the streets of what kind or nature soever, of six feet in width adjoining to or being before any one house or tenement; on each piazza, porch or other incroachment of less than six feet in width, a sum not exceeding fifteen shillings; and on all piazzas, porches and other encroachments of a greater width than six feet, a rent of eight shillings on each foot over and above six, shall be imposed exclusive of the ground rent aforesaid, to be collected, and applied as herein after directed.

IV. And be it further enacted, by the authority aforesaid, that all free males of twenty-one years old and upwards who shall have usually resided in the said town for the space of one month previous to the first day of January annually, and all others the proprietors of any lot or lots in the said town, orphans excepted, shall be considered as being liable to pay taxes; and shall be taxed accordingly, as well for the year one thousand seven hundred and eighty six, as for each succeeding year, at the discretion of the commissioners in any sum not exceeding eight shillings per poll; and in order that a just and accurate list of all persons and property by this act liable to be assessed, may be obtained:

V. Be it further enacted by the authority aforesaid, that the court of Edgecombe county on application of the commissioners, shall annually appoint some Justice of the Peace for the county aforesaid, who shall between the first and last days of March then next ensuing, receive from the inhabitants of the said town, and others by this act liable to be taxed, true and accurate lists on oath, of all the polls and property to them belonging, which by this act are made liable to taxation, and shall make return of such lists under his hand and seal to the commissioners at their first meeting which shall happen after the said last day of March annually, and each and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise have been liable. For the due collection of which taxes, together with aforesaid ground rent:

VI. Be it enacted, that the commissioners shall appoint some person, properly qualified, collector, allowing him such commissions as to them shall seem adequate and just. *And it is hereby further declared*, that all persons inhabitants of the said town, who by this act are made subject to taxation, shall likewise be considered as being liable to work on the streets. *Provided*, that any owner of slaves who shall in virtue of this act be compelled to furnish two or more able bodied hands to work on the said streets at the times for that purpose appointed, shall as to himself be excused from personal labour.

VII. And be it further enacted by the authority aforesaid, that each and every male inhabitant of the said town, as well servants and slaves as free men, shall henceforth be considered as exempt from working on the public roads, during the time they shall continue inhabitants as aforesaid, but shall work on the streets of the said town only.

VIII. Be it further enacted, that all taxes and rents which shall become due by virtue of this act, shall be collected and accounted for annually on or before the first day of August in each year; and in case of the failure or refusal of any person to pay the same, the collector shall and he is hereby directed to sell at public vendue, so much of the personal property of such person so failing or refusing, as will be sufficient to discharge the sum for which by this act he or she shall have become liable, governing himself by the rules by law prescribed for collectors of public taxes.

IX. And be it further enacted, that each and every person, minors excepted, holding any unimproved lot or lots in the said town, shall for every such lot, be liable to a tax of ten shillings annually, and shall be assessed accordingly, and the monies arising from such assessment collected in manner aforesaid. *Provided nevertheless*, that it is hereby expressly

declared that dwelling-houses of every kind, and enclosures either by rails, paling, or plank, provided they extend the length and breadth of the lot, shall be deemed improvements under this act.

X. *And be it further enacted*, that any person except as before excepted, owning an improved lot or lots in the said town, who shall fail for the space of twelve months, to pay the tax for which by this act he may be liable, the commissioners shall and they are hereby directed to sell the same at public vendue, to the highest bidder for ready money, first advertising such lot for the space of three months at least in the North-Carolina Gazette: and after deducting the tax and other expences which may have accrued in consequence of such advertisement and sale shall pay the balance on application of the person entitled to receive the same.

XI. *And be it further enacted*, that the said commissioners shall and they are hereby required and directed forthwith to call to account, all persons for any monies which may be supposed to be in their hands belonging to the said town, and in case of failure or refusal by such persons to pay the same to issue warrants, or bring suits for all such sums as may appear to be due, and that all such monies shall be recovered and paid agreeable to the scale of depreciation by law established.

XII. *And be it further enacted*, that the commissioners shall apply all monies collected in virtue of this act, in repairing the streets, making good the public landing, and in such other useful works, as a majority of them shall think most conducive to the grandeur and emolument of said town; and shall each of them respectively before entering on the duties of his appointment take before some Justice of the Peace the following oath, and obtain a certificate thereof, to wit, "I, A. B. do swear, that as a commissioner for the town of Tarborough, I will endeavour to execute the several duties enjoined me by the act of Assembly in that case made and provided, without favour, affection or partiality, to the best of my skill and abilities. So help me God."

XIII. *And be it further enacted*, by the authority aforesaid, that the first meeting of the commissioners shall be held on the first Monday in May next, when they may appoint a chairman and adjourn, and meet at such times as they shall think proper; and that in all acts of the said commissioners, or a majority of them shall constitute a quorum, and shall they do business with a less number; and that in case of death, refusal to act or removal out of the county of Edgecomb, of any of the commissioners by this act appointed, the inhabitants of the said town shall, within one month after such vacancy, assemble (ten days previous notice being first given by the chairman of the commissioners, in writing affixed to the court-house in said town) and elect some other person being an inhabitant of the county of Edgecomb commissioner in the place of him so dying, removing or refusing to act; which person after being so elected and qualified as by this act directed, shall be vested with the same powers and authorities as if he had been expressly named herein.

XIV. *And be it further enacted*, that if the commissioners shall find any lot or lots in the said town, not already conveyed, they shall after having advertised such lot or lots for the space of three months in the North-Carolina Gazette, publicly sell the same for the most that may be had, and grant a deed or deeds for such lots, subject nevertheless to the like regulations as the other lots of the said town.

XV. *And be it further enacted*, by the authority aforesaid, that all fines and forfeitures which may be incurred by virtue of this act, shall be paid into the treasury of the said town, and applied as the common stock thereof.

XVI. *Be it further enacted*, by the authority aforesaid, that all and every act, and parts of acts, for regulating the town of Tarborough, coming within the purview of this act, be and the same is hereby repealed and made void.

CHAP. XXI. *An act for the more speedy determining disputes that have arisen, or hereafter may arise in the counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, from erecting mill-dams, and to prevent persons from building mills, as herein described.*

WHEREAS many disputes have heretofore arisen, or hereafter may arise from erecting mill-dams, and overflowing the lands belonging to persons proprietors of lands on the water-course above the said mill-dams: for remedy whereof,

I. *Be it enacted*, by the General Assembly of the State of North-Carolina, and it is hereby enacted, that from and after the passing of this act, where any dispute may arise or have heretofore arisen in any of the counties aforesaid, between the builder of any mill or mills and the owner of land above the said mill as aforesaid, it shall and may be lawful for the county court where such dispute may arise, on application of either party, to order the sheriff of said county to summon a jury of good and lawful men, who shall appear at the place where such lands are overflowed, and ascertain the full value of what said land was worth had it not been overflowed, and all damages to the owner, the party making application to the court as aforesaid giving the other party ten days previous notice thereof before the sitting of such court.

II. *And be it further enacted*, by the authority aforesaid, that the value of said land shall be paid by the owner of such mill at the succeeding court, after such trial, or as soon as the verdict of such jury shall be confirmed by the said court, and on failure thereof execution shall issue for the sum ascertained by the jury as aforesaid, and the costs thereon.

III. *And be it further enacted*, by the authority aforesaid, that upon payment of the value of such land by the verdict of a jury as aforesaid, the person owning said land shall, and he is hereby required to execute a deed in fee simple for such land to the owner of said mill, and on failure thereof the owner of said mill shall stand discharged from any action or actions, suit or suits, either in law or equity, and shall also stand discharged from any indictment on account

of such land, overflowed as aforesaid; and in case any action or actions, suit or suits, or indictments shall be commenced or prosecuted against the owner of said mill as aforesaid, it shall and may be lawful for the defendant to plead the payment as aforesaid, and judgment shall be against the plaintiff for costs.

IV. *And be it further enacted, by the authority aforesaid, that from and after the passing of this act, it shall not be lawful for any person or persons in any of the counties aforesaid, to build or erect any water grist-mill within two miles above or below any mill that is or hereafter may be erected for the purpose of manufacturing flour for merchandise. Provided, that such is furnished with good bolting cloths and every other requisite for manufacturing good merchantable flour as aforesaid: any person in the said counties who shall hereafter build any mill or mills contrary to this act, shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, in any court of record having cognizance thereof, by the party aggrieved.*

CHAP. XXVIII. *An act for destroying wolves, wildcats, panthers, bears, crows and squirrels in the several counties therein mentioned.*

WHEREAS the great increase of wolves, wildcats, panthers, bears, crows and squirrels, in the counties hereinafter mentioned, is found to be injurious and prejudicial to the inhabitants thereof:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the several county courts of Carteret, Rutherford, New-Hanover, Brunswick, Bladen, Rowan, Tyrrel, Rockingham, Wilkes, Hyde, Moore, Caswell, Onslow, Duplin, Sampson, Burke, Wake, Lincoln, Randolph, Mecklenburg, Surry and Davidson, in this state, are hereby authorized and respectively impowered, when they may judge the same necessary, after the year one thousand seven hundred and eighty five, to lay a tax on the inhabitants and taxable property of their said counties, to be collected by the public collectors and accounted for as the county tax, for the purpose of granting bounties to persons who shall kill or otherwise destroy any wolves, bears, panthers or wildcats in such counties, in such manner and in such proportion as by order of court shall be directed. Provided the bounty to be given for killing each wolf shall not exceed twenty shillings, and for killing each wildcat shall not exceed three shillings. Provided such tax shall not exceed one shilling on each poll, and four pence on every hundred acres of land in one year.*

II. *And be it further enacted, by the authority aforesaid, that the several county courts before mentioned, shall have full power to apply the monies arising from said tax, for the purpose before mentioned, as they by order may direct; and the surplus if any, shall be applied towards defraying the contingent charges of said county.*

III. *And be it further enacted, by the authority aforesaid, that every master or mistress of a family, and overseer of a plantation when the master or mistress of a family does not reside in the same county, in the counties of Montgomery, Burke, Warren, Franklin, Wake, Jones, Dobbs, New-Hanover, Wilkes, Granville, Onslow, Caswell, Lincoln, Rutherford, Duplin, Sampson, Brunswick, Rowan, Mecklenburg, Tyrrel, Bladen, Richmond and Surry, shall kill or cause to be killed in every year, seven crows or squirrels, for each taxable he or she shall inhabit, under the penalty of forfeiting and paying four pence for every crow or squirrel, he or she shall neglect to kill or cause to be killed, to be recovered and applied as herein after directed. Provided always, that no constant residents in any of the towns in the counties in this act mentioned, shall be included in this act for the taxables in such town.*

IV. *And be it further enacted, by the authority aforesaid, that every master or mistress of a family, or overseer as aforesaid, on killing any crow or crows, squirrel or squirrels as aforesaid, shall produce the head of such crow or crows, and also the scalp or scalps of such squirrel or squirrels, to some Justice of the Peace, who thereupon shall give a certificate to such person or persons, mentioning the number of crows heads and squirrels scalps so produced, who on giving such certificates shall destroy or cause to be destroyed such head or scalps in his presence.*

And for the more effectually recovering the penalties as aforesaid:

V. *Be it enacted, by the authority aforesaid, that each and every of the collectors of the respective counties herein before mentioned, at the time of receiving the county taxes, shall demand of each and every person chargeable with taxes, such certificate for that year, and on neglect or refusal to produce the same or pay the penalties aforesaid, the collector shall and he is hereby impowered and directed to make distress on the state of such person or persons for the penalties aforesaid, in the same manner as by law he is impowered to make distress for public taxes; and shall account for and pay the same in the same manner and under the same restrictions, and have the same allowances as for receiving county taxes; which penalties shall be applied towards defraying the county charges.*

CHAP. XXIX. *An act for the promotion of learning in the county of Davidson.*

WHEREAS the good education of youth has the most direct tendency to promote the virtue, increase the wealth and extend the fame of any people; and as it is the indispensable duty of every legislature, to consult the happiness of a rising generation and endeavor to fit them for an honorable discharge of the social duties of life. And whereas it is represented to this General Assembly, that the citizens of Davidson county are desirous of making an early and liberal provision for the instruction of youth, by laying the foundation of a public seminary in that county:

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the Reverend Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bled-*

for. *James Robertson, Lardner Clark, Ephraim McClaine, and Robert Hayes, Esquires*, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of *Davidson academy*; and by the name of the trustees of *Davidson academy*, shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said academy; and the same apply according to the will of the donors, and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them, and their successors forever, any lands, rents, tenements or hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence, that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said academy, in the county of *Davidson*, building or purchasing suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the provost and such number of professors and tutors as to them shall seem necessary.

II. *And be it further enacted by the authority aforesaid*, that the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell, grant, demise, alien or dispose of, and convey any such lands, rents, tenements, or hereditaments as aforesaid, when the will of the grantee doth not forbid the same: and further, that the said trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, by the title of "the president and trustees of the academy of *Davidson*."

III. *And be it further enacted by the authority aforesaid*, that the said trustees or a majority of them, shall and they are hereby authorized to choose a president, treasurer and secretary out of their own body; they may also choose a rector, professors and tutors for the academy, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the academy, and the same to alter and amend. *Provided nevertheless*, that such laws shall not be repugnant to the laws of this state, their morals, studies, and academical exercises, as to them shall seem meet, and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress of useful knowledge: and further, that on death, resignation, refusal to act, or misconduct of either professors or tutors, the secretary, treasurer or steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

IV. *And be it further enacted by the authority aforesaid*, that the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees aforesaid, in the sum of fifteen hundred pounds conditioned for the faithful discharge of the trust in him reposed; and that all monies and chattels belonging to the said corporation that shall be in his hand at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding treasurer; and every treasurer shall receive all monies and donations of whatsoever kind, that may belong or accrue to the said academy during his office; and at the expiration thereof shall account with the trustees for the same; and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovering may be had against him as is or may be provided for the recovery of monies from sheriffs or other persons chargeable with public monies.

V. *And be it further enacted*, that if any trustee shall neglect attending at the stated meetings of the board for the space of two years, or if any of them shall die or otherwise resign his office, the remaining trustees, or a majority of them, shall at their next meeting choose another trustee in the room of the person thus neglecting his duty, dying or resigning his office.

VI. *And be it further enacted by the authority aforesaid*, that no lands, tenements or hereditaments, which may be vested in the trustees of the academy of *Davidson* for the sole use and behoof of the academy, shall be subject to any tax for the space of ninety nine years.

VII. *And be it further enacted*, that two hundred and forty acres of the land reserved for the use of the state, being that part of said land which is most remote from the salt springs near *Nashville*, shall be and is hereby vested in the trustees of *Davidson academy* for the use of that seminary.

CHAP. XXX. *An act to erect and establish an academy in the county of Duplin.*

WHEREAS the establishing an academy in the said county for the education of youth will be attended with great advantages to the state in general, and the county of *Duplin* in particular:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that *Thomas Routledge, James Kenan, Joseph Dickson, Thomas Gray, William Dickson, David Dodd, John James, Israel Bourdeaux and James Gillespie, Esquires*, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy on the lands lately purchased of *Nicholas Hunter* in said county, by name of *Grove academy*; and the said trustees and their successors shall be able and capable in law to ask for and demand, receive and possess of the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the said trustees or a majority

of them towards paying for the lands already contracted for, and erecting thereon a suitable and convenient house, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy and the promotion of learning therein.

II. *And be it further enacted, by the authority aforesaid,* that the trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed by this act, give bond to the court of the county, payable to the chairman and his successor, in the sum of one thousand pounds specie, with condition, that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this act for the purposes aforesaid.

III. *And be it further enacted, by the authority aforesaid,* that if any of the trustees by this act appointed, shall die, refuse to act or remove away, that he cannot attend the duties of his appointment, the remaining trustees may appoint another in his stead, who shall exercise the same powers as trustees appointed by this act; and when met together within the said county shall have power and authority to elect and constitute one or more tutor or tutors, and a treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this state, for the well-ordering of the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave said academy, certifying their literary merit, in general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said trustees or a majority of them are hereby empowered, and shall have lawful authority to remove the tutor or tutors, treasurer or any of them, if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

IV. *And be it further enacted, by the authority aforesaid,* that the trustees by this act appointed, or a majority of them, and their successors, shall meet annually on the first Friday of March in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary. *Provided always,* that he shall give ten days previous notice of such meeting, and that the president and treasurer shall be chosen on the said first Friday of March, unless in cases of unavoidable accident.

V. *And be it further enacted by the authority aforesaid,* that the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this act, and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovering may be had against him, as is or may be provided for the recovery of money from sheriffs or other public officers.

CHAP. XXXI. *An act empowering the commissioners of the town of Edenton to convey part of the town commons to the trustees of Smith's academy.*

WHEREAS it has been represented by the trustees of Smith's academy that they conceive it would be for the interest of the institution under their care, that they should be allowed to erect public buildings on the commons of the town of Edenton; and the freeholders and inhabitants of that town having prayed that a law may be made for that purpose;

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that the commissioners of the town of Edenton shall be authorized, and they are hereby authorized to make over and convey to the trustees of Smith's academy, for the sole use of that institution, a lot or parcel of ground out of the town commons, in such place as the trustees may choose, not to exceed six acres. And whereas it is represented, that the freemen inhabitants of the town of Edenton, have neglected to choose commissioners on the first Monday of July last, the day appointed by law for that purpose;

II. *Be it enacted by the authority aforesaid,* that the freemen inhabitants of the town of Edenton, shall be and they are hereby authorized to choose commissioners for said town on the second Monday in January next, who shall continue in office till the first Monday of July.

CHAP. XXXII. *An act for establishing an academy at Kinston, in the county of Dobbs, and to amend the act establishing the academy in the district of Salisbury.*

WHEREAS liberal subscriptions have been made and a prospect of considerable additions towards establishing a seminary of learning at Kinston in the county of Dobbs. And whereas the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the legislature:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that an academy be erected and established at town of Kinston, in Dobbs county, for the education of youth, under the name, stile and title of the Dobbs academy.

II. *And be it further enacted, by the authority aforesaid, that his Excellency Richard Caswell, the Honourable Alexander Martin, Richard Dobbs Spaight, William Blount, Joseph Leech, John Hawks, Jesse Cobb, James Glasgow, Charles Markland, John Iser, John Herriage, Benjamin Coleman and John Court, and they and their successors, to be elected in manner herein after directed, shall for ever be a body politic and corporate in deed and in name, by the stile of the trustees of the Dobbs academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee or in perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever of any nature, quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and before all Judges and Justices whatsoever, in all actions, pleas, complaints and demands; and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels, and to act and do all things whatsoever for the use aforesaid, in as full and ample a manner and form as any natural person or body politic or corporate can or may by law; that they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.*

III. *And be it further enacted, by the authority aforesaid, that the said trustees, or any five or more of them, shall have full power and authority to meet at all times when they shall think proper at the said town of Kinston, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, refusal to act, resignation or removal out of the state of any of its members, and the persons appointed to fill such vacancies shall be, and they are hereby declared to have the same power and privileges as the trustees elected in and by this act.*

IV. *And be it further enacted, by the authority aforesaid, that the said trustees or a majority of them be, and they are hereby authorized and empowered to convene at the court-house in Kinston, on the first Monday in July next after the passing of this act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustee named in and by this act; and such president and the trustees, or their successors or any five or more of them at all other times thereafter, when met together in the said town, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward; and also to make and ordain such laws, rules and regulations, not repugnant to or inconsistent with the laws of this state, for the well-ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet, and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they have made in useful knowledge; in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.*

V. *And be it further enacted, by the authority aforesaid, that the said trustees or a majority of them, are hereby authorized and declared to have power to remove or displace the professors or tutors, the secretary, treasurer and steward, or any of them if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.*

VI. *And be it further enacted, by the authority aforesaid, that every treasurer appointed by the trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of one thousand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his office, and the trust reposed in him; and that all monies and chattels belonging to the said corporation which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office, and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever, that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same, and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from sheriffs or other persons chargeable with public monies.*

VII. *And be it further enacted, by the authority aforesaid, that nothing contained in this act shall be construed to prevent the trustees from distinguishing their public hall, or their library, by the name of such persons, who may within two years from the said first Monday in July next, make the most liberal donations to the said academy. Provided nevertheless, that this seminary shall not be construed to be one of those mentioned or intended by the constitution.*

Whereas it is deemed necessary that an addition of members be made to the board of trustees of the Salisbury academy:

VIII. *Be it further enacted, by the authority aforesaid, that the Reverend Robert Archibald, Adolphus Nuffman, and Doctor Thomas Donnell, be added to the board of trustees of the Salisbury academy, and be vested with the same powers and authorities which any of the trustees aforesaid are vested with, by an act of the General Assembly for the encouragement of learning in the district of Salisbury.*

CHAP. XXXV. *An act to empower certain persons therein named to receive, sue for and recover all such bequests, donations, benefactions and other things as have heretofore been bequeathed, given or made by any person or persons w^hatsoever, for the use of the congregation or society of the Presbyterian communion at Wilmington.*

WHEREAS there have been donations and bequests made, and monies raised by subscriptions for purchasing ground and erecting thereon a presbyterian church or house of worship; and it is suggested that ground hath been purchased for that purpose, but that for want of legal authority to call the possessors to account, such donations, bequests, monies and ground are in danger of being lost. For prevention whereof:

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that John Hill, Thomas Wright, John Huske, Thomas MacLaine, Robert Wells, John Bradley, and James Reed, Esquires, shall be and they are hereby declared to be trustees for receiving and taking into their possession, all and singular the donations, bequest, benefactions and monies which have heretofore been given, bequeathed, made and raised, and all and singular the lands and hereditaments which have been purchased for the use and benefit of the congregation or society of the Presbyterian communion at Wilmington; and the discharges or releases of the said trustees, or a majority of them, shall be sufficient to exonerate all and every person and persons who may be possessed of any of the said donations, bequests, benefactions, monies, or land and hereditaments, given, bequeathed, raised or purchased for the purpose aforesaid.*

II. *And be it further enacted, by the authority aforesaid, that the said trustees, or a majority of them, shall be and they are hereby empowered to commence and prosecute any suit or suits, either in law or equity, against any person or persons who may refuse to account for and deliver up to them the said trustees, any donations, bequests, benefactions, monies, or lands and hereditaments, in his, her or their hands and possession; and which had been given, bequeathed, raised, subscribed or purchased, for the purpose aforesaid; and to proceed to judgment and execution thereon: and when such donations, bequests, benefactions, monies, lands and tenements, shall be recovered and received, the same to apply to such uses as the said congregation or society shall direct. Provided always, and be it enacted, by the authority aforesaid, that the said trustees before entering upon the execution of their trust, shall give bond in the court of New-Hanover county in the sum of two thousand pounds specie, payable to the Governor and his successors, conditioned for the faithful execution of the trust reposed in them by this act, and upon breach of the condition thereof by any one or more of the said trustees, the said bond may be put in suit by any five of the said congregation or society, and the monies recovered thereon shall be applied by the Governor for the time being to the use of the said congregation or society; or at the request of a majority of them may be lent out at interest on sufficient security by bond payable to the Governor aforesaid.*

CHAP. XXXVII. *An act to empower Roberfon Mumford and James Porterfield to receive storage of tobacco inspected and deposited in such warehouse or houses as they shall build at Fayetteville.*

BE it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that it shall and may be lawful for Roberfon Mumford and James Porterfield, their heirs or assigns for the term of twenty-one years from the passing of this act, to take and receive a storage on tobacco inspected and deposited in the said ware-house or houses at the following rates, that is to say, four shillings for each hoghead of tobacco inspected in the said warehouse or houses. *Provided it does not lay in said warehouse or houses more than twelve months, and one shilling per month for each hoghead that shall continue in the said warehouse or houses over and above twelve months, to be paid by the person taking out or removing such tobacco from the said warehouse. And provided the said Mumford and Porterfield do and shall keep the said warehouse or houses in good and sufficient repair for the inspection and storage of tobacco.*

CHAP. XXXVIII. *An act vesting certain property lying and being in Granville county in Mary Alston Bell, in fee-simple.*

WHEREAS it is represented to this General Assembly, that in the year one thousand seven hundred and seventy-five, a gift was made by George Alston to Mary Alston Bell of certain lands and one negro boy named Cesar, which in the opinion of some of the citizens of this state have since become confiscated: for prevention of which,

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and by the authority thereof, that the title of certain tracts of land in Granville county, which the said Alston purchased of Malachi Reaves and Anne Hopkins about two hundred and seventy acres, and also a certain negro named Cesar, be and is hereby vested in the said Mary Alston Bell, her heirs and assigns forever, any law to the contrary notwithstanding; saving nevertheless to all persons, all rights to the property aforesaid not claimed under the said George Alston.*

CHAP. XXXIX. *An act to vest the estate of Richard Caswell, junior, in trustees for the benefit of his creditors.*

WHEREAS it hath been represented to this General Assembly, that Richard Caswell, junior, late of Kinston, in Dobbs county, being a person in trade, with a view to extend his commerce went to South Carolina, in the month of November, one thousand seven hundred and eighty-four, and at Charleston took up a considerable quantity

of merchandize, principally on credit, and with the same he sailed from thence on the 27th day of December in the same year, on board a schooner bound to *Newbern* in this state, since which no certain intelligence has been obtained of him; whereby it is apprehended the vessel foundered at sea and he is lost; but as this is uncertain, no person can legally collect his debts or dispose of his property, which is considerable in value; and as he is not only indebted for the greatest part of the goods so purchased, but also to sundry inhabitants of this state, who as well as the friends and those nearest of kin to the said *Richard Caswell*, have besought the General Assembly to vest the estate of the said *Richard Caswell* in trustees for the benefit of his creditors: therefore,

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the whole estate of the aforesaid *Richard Caswell*, jun. both real and personal, be and the same hereby is vested in *James Glasgow*, *Francis Childs* and *Bryan Whitfield*, as trustees to and for the use and benefit of the creditors of the said *Richard Caswell* in the first instance, and afterwards to the use and benefit of the said *Richard Caswell*, his heirs and assigns.

II. *And be it further enacted, by the authority aforesaid*, that the said trustees or a majority of them, the survivors or survivor of them, be and they hereby are impowered, authorised and required, to take into their possession all the estate of the aforesaid *Richard Caswell*, both real and personal; and in case of refusal or neglect of any person or persons to deliver up the possession of any real estate, or to deliver up any personal property belonging to the said *Richard Caswell* to the said trustees, or to pay to them any debt or demand which the said *Richard Caswell* had or has against such person or persons, the said trustees are hereby further authorised, impowered and required to commence and prosecute any suit or suits, either in law or equity, for the recovery of the same, in as full and ample manner, to all intents and purposes, as the said *Richard Caswell* could lawfully do if he was personally present, and acquittances and discharges to grant which shall in all cases be binding on the said *Richard Caswell*, his heirs, executors, administrators and assigns for the same.

III. *And be it further enacted by the authority aforesaid*, that the trustees aforesaid, or a majority of them, the survivor of them, shall as soon as convenient may be, advertise in some one or more of the North-Carolina news-papers, their appointment as trustees aforesaid, and require all persons who have any demands against the said *Richard Caswell* to produce the same properly authenticated, to some one or more of the said trustees within three months after the date of such advertisement, which shall be continued in the news papers during the said time.

IV. *And be it further enacted, by the authority aforesaid*, that the said trustees after giving three months notice shall sell all or such part of the real and personal estate of the said *Richard Caswell* as may be sufficient to enable them to discharge his debts upon a credit of twelve months, the purchaser or purchasers giving bond with approved security, payable to the said trustees for double the sum by him or them purchased; and the said trustees or a majority of them, the survivors or survivor of them are and is hereby authorized to execute deeds of sale to such purchaser or purchasers which shall ensure to such purchaser or purchasers, and have the same effect in every respect as if granted by the aforesaid *Richard Caswell* or his heirs, so as to convey all the right, title, interest and property which the said *Richard Caswell* or his heirs have of, in and to the same.

And whereas it may so happen that the whole estate of the said *Richard Caswell*, jun. may not sell for a sum sufficient to pay and satisfy the whole demands of his creditors:

V. *Be it enacted, by the authority aforesaid*, that in case the whole estate when sold agreeable to the directions of this state, shall not be sufficient to discharge all the legal demands against the same, that then and in such case, the trustees aforesaid or a majority of them, the survivors or survivor of them, are and is hereby authorised and impowered to make an equal distribution among the creditors of the said *Richard Caswell*, due regard being had to each creditor's demand, so as to pay an equal rate in the pound of all such demands.

VI. *And be it further enacted, by the authority aforesaid*, that the trustees aforesaid be and they are hereby required to compleat the business of their trust within two years from the passing of this act, and to render an account of their proceedings on oath to the court of the county of *Dobbs*, where the same shall be entered on record for the benefit and security of all persons concerned. *perhaps enure*.*

CHAP. XL. *An act to prevent the sale of such of the lands of Ralph Macnair, dec. as remain unsold in this state, and to empower Edward Hall, of Edgcomb county, executor of the last will and testament of the said Ralph, to collect the debts due from the inhabitants of this state to the said Ralph, which have become due to him since the passing of the law commonly called the expulsion act.*

WHEREAS the property of *Ralph Macnair*, late of this state, by his departing the same, under the direction of the law commonly called the expulsion act, has become confiscated to the use of the state, and the said *Ralph*, being now dead, and leaving behind him three helpless orphans of tender years, and in very distressed circumstances, in behalf of whom *Edward Hall*, executor of the said *Ralph*, hath petitioned this General Assembly, on which a committee hath reported as follows: "Your committee recommend that the sale of two tracts of land, late the property of the said *Ralph Macnair*, now confiscated and advertised for sale by *Archibald Lytle*, Esq. commissioner of Hillsborough district, be suspended until the next session of Assembly; and that the said *Edward Hall* be empowered to collect the debts due to the estate of the said deceased, and make due return thereof to the next General Assembly," which report hath been concurred with.

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing this act, no sale or sales shall be made of any part of the property of the said Ralph Macnair, dec. by any of the commissioners of confiscated property in this state, until further directed by the General Assembly, any law to the contrary notwithstanding.*

II. *And be it further enacted, by the authority aforesaid, that the said Edward Hall, as executor to the last will and testament of said Ralph Macnair, dec. shall have full power and authority to sue for and recover all debts due and owing to the said Ralph, which have become due to him since the passing of the law, commonly called the expulsion act, any law to the contrary notwithstanding. Provided always, that nothing herein contained shall enable the said Edward Hall to collect any debts due to Ralph and Ebenezer Macnair.*

III. *And be it further enacted, by the authority aforesaid, that the said Edward Hall shall lay before the General Assembly as soon as may be, after he shall have completed such collection as aforesaid, an account of all such sums as he may have received by virtue of this act, in order that they may judge what part shall be appropriated to the use of the orphans of the aforesaid Ralph Macnair. Provided nevertheless, that no suits shall be commenced for the recovery of any of the debts herein mentioned, until after the first day of July next.*

CHAP. XLI. *An act for the relief of Mercy Bedford, and to vest in the heirs of Jonas and Mercy Bedford the landed estate of the said Jonas Bedford.*

WHEREAS it has been made appear to the satisfaction of the General Assembly of the State of North Carolina, that *Jonas Bedford*, formerly of the county of *Rutherford* in the said state, did in the year one thousand seven hundred and eighty, abandon his said wife *Mercy Bedford*, and her children, by joining the British army, with whom the said *Jonas* did leave the state and has not yet returned, leaving his said wife and children in very great distress; and as it is reasonable and just that the real and personal estate of the said *Jonas Bedford* should be appropriated to the payment of his debts and to the use and support of his wife and children:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said Mercy Bedford be enabled and empowered to sell the personal estate of the said Jonas Bedford, and to collect the debts due to her said husband, and after paying the debts due from the said Jonas, to apply the balance, together with the said personal estate or amount thereof to the support of herself and children.*

II. *And be it further enacted, by the authority aforesaid, that the heirs of the said Jonas and Mercy Bedford be, and they are hereby vested with absolute right in fee simple, of and to all the landed estate of the said Jonas Bedford in as full and ample manner as they could have been by a deed of gift to them for the same from their said father Jonas Bedford.*

CHAP. XLII. *An act to restore to Edward Bridgin, his heirs and assigns, all his property, real and personal in this state.*

WHEREAS the estate of *Edward Bridgin*, merchant of *London*, hath been confiscated by the laws of this state, and whereas a committee of the General Assembly have reported they are of opinion that the said *Edward Bridgin* is entitled to every indulgence of the legislature:

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that all the real and personal estate of the said Edward Bridgin, lying and being in this state, confiscated as aforesaid, and as yet undisposed of, and the amount of purchase money or obligations for such part as has been sold, be and is hereby restored to him, his heirs and assigns, and shall not be liable to the operation of any confiscation law heretofore made.*

CHAP. XLIII. *An act to release certain persons therein mentioned, from judgment on forfeited recognizances, and to empower the Judges to suspend judgments hereafter to be given in like cases.*

WHEREAS *Simon Terrell* and *Joseph Kirk* were bound by recognizance in a sum of currency equal to about two hundred and sixty pounds specie, for the appearance of a certain *William Rains*, before the superior court of *Hillsborough* district, to answer certain charges then to be exhibited against him; and whereas it is fully and clearly represented to this General Assembly that the said *Simon Terrell* and *Joseph Kirk*, did deliver the body of the said *William* in open court, agreeable to the tenor of their said recognizance, that neither prosecutor or evidences appearing against the said *William*, he was discharged from the bar, paying fees; which delivery and discharge the clerk of said court failed to record; so that the said recognizance was apparently forfeited and judgment passed thereon, and the effects of the said *Simon* and *Joseph* are now liable to be sold by execution to satisfy the said judgment; and whereas it is further represented that the said *Simon* and *Joseph* are men with families and but very moderate fortunes, and that the execution of the said judgment would unjustly distress them and their families:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said Simon Terrell and Joseph Kirk, be and they are hereby released, and fully and entirely discharged from the forfeiture and judgment aforesaid, in the same manner as if the said forfeiture and judgment had never happened.*

II. *And be it further enacted, that John Jones of Rutherford county shall be and is hereby released from a judgment given on a forfeited recognizance for the appearance of James Armstrong, in the superior court of Morgan district, in having been made manifest to this Assembly that the said John Jones was rendered unable by the loss of his eyes, before the day of appearance mentioned in the said recognizance, to produce the body of the principal.*

The last Section Obsolete.

CHAP. XLIV. *An act for appointing a treasurer in the district of Edenton, for the purpose of calling to account the commissioners for building a public gaol in the district aforesaid.*

WHEREAS the ruinous condition of the public gaol in the district of Edenton, and the earnest desire of the representatives of the people of that district for erecting a public gaol for the security of felons and others, have heretofore induced the General Assembly to pass different acts, therein laying a tax on the inhabitants of that district for the purpose aforesaid, and appointing commissioners for receiving and applying the said tax, which have not answered the good purposes expected :

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act, Thomas Vail, Esq. be and is hereby appointed treasurer for the district and purposes aforesaid, who is hereby vested with full power and authority to call to account the present and all former commissioners, all collectors and sheriffs who heretofore and since the first day of January, one thousand seven hundred and seventy-four, have been empowered by law for the purpose of collecting the said gaol tax, within the district aforesaid ; and in case of the refusal or neglect of the commissioners, sheriffs and collectors or either of them, to render a just account of their transactions to the treasurer aforesaid, and to pay the balance of their respective accounts, in such case the treasurer is hereby empowered and required to proceed against such delinquents to obtain judgments for the balances due, in the same manner as is directed by law for the public treasurer to obtain judgments against delinquent sheriffs for the non-payment of public taxes.*

II. *And be it further enacted, by the authority aforesaid, that the money when collected, and in the hands of the said treasurer shall be applied solely to the purposes for which the said tax was laid, and shall be subject to the orders or draughts of the commissioners for the time being, whose orders and draughts shall be sufficient vouchers for the treasurer in the settlement of his accounts.*

III. *And be it further enacted, by the authority aforesaid, that the said treasurer shall enter into bond with sufficient security in the sum of ten thousand pounds current money, payable to his Excellency the Governor for the time being, or his successors in office, conditioned for the faithful discharge of the trust reposed in him, and shall annually at the first court which shall be held for the county of Chowan after the first day of March, in each year, render a just account of the monies by him received for the purposes aforesaid, and his expenditures.*

IV. *And be it further enacted, by the authority aforesaid, that to enable the said treasurer to procure testimony, commence and prosecute suits, for recovery of the balances aforesaid, and for full compensation for his trouble and expences, it shall and may be lawful for the said treasurer to receive a commission of ten per cent. in all monies received into his office for the purposes aforesaid ; the money received by the late commissioners excepted, for which he shall receive two and half per cent.*

CHAP. XLV. *An act to alter the place of holding the county court of Beaufort county, from Bath to the town of Washington in said county, and to erect a new court-house, prison, pillory and stocks in said county.*

WHEREAS it is found that the situation of the court-house in Beaufort county is inconvenient to the greater part of the inhabitants thereof, which, together with the ruinous condition of the court house, &c. and the want of accommodation for persons obliged to attend on courts and other public business, at the place where the court-house now stands, renders it necessary to alter the place of holding courts to the town of Washington :

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Nathan Keas, Richard Blackledge, and Joseph Palmer, be and they are hereby appointed commissioners to erect a court-house, prison, pillory and stocks for the use of the said county, and they or a majority of them, to agree with workmen to build and finish the same at the town of Washington in said county, and if one or more of the said commissioners should die or remove from the said county, then the survivor or survivors shall elect and choose another or other commissioners to act in his or their stead.*

II. *And be it further enacted, by the authority aforesaid, that the said commissioners are hereby empowered to receive all subscription money now collected or to be collected for building a court-house for the use of the said county in the town of Washington, of not less dimensions than forty by twenty five feet, and sufficiently and completely finish the same, and not to proceed in the fulfilling this act, until an ample sum is vested in their possession by subscription for building said court-house, prison, pillory and stocks.*

III. *And be it further enacted, by the authority aforesaid, that the Justices of the county shall at the first court of said county, which shall be held after the first day of January next, adjourn the court to the school house which stands on the public lot in the town of Washington, provided it shall be made appear to them there is a sufficient sum lodged in the hands of the commissioners for completing the buildings by this act intended to be built ; and all suits, actions, complaints and pleas, and other matters and things before the said court then depending, and undetermined shall stand*

adjourned and continued accordingly, and all and every person and persons having day in the said court and witnesses, shall be bound and obliged to appear at the same according to such adjournment.

IV. And be it further enacted, by the authority aforesaid, that the said Justices are hereby empowered to sell the old court-house, and apply the money arising from such sale to the use of the county for the contingent charges thereof.

V. And be it enacted, by the authority aforesaid, that the Justices of the said county shall, previous to selling said public buildings, cause the same to be advertised publicly at the door of said court-house and other public places in said county, at least two months before such sale; which when made shall be deemed lawful, and the Justices of said county or any three of them are hereby empowered and required to make a title to the person purchasing the same.

VI. And be it further enacted by the authority aforesaid, that all and every act and acts, clause and article heretofore made for any thing within the purview of this act, is and are hereby repealed and made void.

CHAP. XLIX. An act to alter the manner of holding elections for members of the General Assembly in New-Hanover county.

WHEREAS the most northern part of the county of New Hanover is at so a great distance from the town of Wilmington, that it is extremely inconvenient and burthensome for poor persons to attend the elections of members for the said county, whereby many persons are prevented from giving their suffrages for persons to represent them in the General Assembly: for remedy whereof,

I. Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act the annual elections for the said county shall be held and taken in the following manner, that is to say, the election shall begin at the house of John Larkins, Esq. the day preceding the third Friday in August in every year, and shall continue until sunset of the same day in manner by law directed, when the sheriff and inspectors shall seal up the ballot boxes, and on the day following shall proceed with the boxes and the several lists of voters by them taken to the town of Wilmington; and on Saturday, being the 2d day of the annual election throughout the state, the poll shall be opened at Wilmington, the seals taken off the ballot boxes, and the election continued until sunset for such of the county electors who shall not have voted before and for the electors of the town; and the poll shall be opened on both days at ten o'clock, any law to the contrary notwithstanding.

II. And be it further enacted, by the authority aforesaid, that such of the electors of the said county as may think proper may give their votes on the first day of election at the house of John Larkins, Esq. aforesaid; and all such electors of the said county as shall not vote on the said first day of the election, shall be at liberty to give their votes in the town of Wilmington on the second and last day of the election; and when the election shall be finished in manner by act directed, the tickets shall be numbered and the members chosen shall be declared in the usual manner.

III. And be it enacted by the authority aforesaid, that in case the seat of any member or members of the said county should be vacant, a writ or writs shall issue for the election of a new member or members to fill the vacant seat or seats in manner herein before directed, that is to say, to hold such election at the different places before mentioned, with an intervening day between them; and in case of a writ for elections of a member for the town of Wilmington the same shall be held and concluded in one day, and in both cases the poll shall be opened at ten o'clock, any law to the contrary notwithstanding.

CHAP. LI. An act to empower the Justices of Hertford and Tyrrell counties to establish free ferries in the said counties, and lay a tax for defraying the charges of the same.

WHEREAS, by reason of several water-courses running through the counties of Hertford and Tyrrell, the ferries over which it is necessary for many of the inhabitants to pass to attend the courts and other public meetings at the court houses in the said counties are expensive and burthensome to such inhabitants: for remedy whereof,

I. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the Justices of the said counties, or any seven or more of them, be and they are hereby empowered to agree with the owner or owners, keeper or keepers of any ferry or ferries within the said counties as they shall think necessary, for such sum or sums of money as shall appear to them reasonable, to set over such ferry or ferries any of the inhabitants of the said counties requiring the same, free from any charges whatsoever, on any of the days of the courts, elections of members of the Assembly or wardens of the poor, meeting of the wardens or general musters of the said counties.

II. And be it further enacted, by the authority aforesaid, that the Justices of the said counties are hereby authorised and required, yearly and every year, at the same time that they lay the county levy, to lay a tax not exceeding sixpence current money of the state aforesaid, on each and every poll, and a like tax on every hundred pounds of assessable property, and a tax of two pence on every hundred acres of land in the said counties, to be collected and accounted for by the collectors with the Justices of the said counties, in the same manner as other county taxes; and by them applied to the discharging of the several contracts to be made in virtue of this act, and the overplus, if any, to the contingent charges of the counties.

III. And be it further enacted, by the authority aforesaid, that each and every ferryman with whom the Justices shall agree as aforesaid, shall be and they are hereby obliged to set over, ferryage free, any of the inhabitants of the

said counties, on the days and times aforesaid, under the penalty of twenty shillings current money of the State aforesaid, for every offence to be recovered by the party grieved, before any Justice of the Peace, and applied to his own use.

IV. *And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Justices of the said counties to take bond and security of all such ferry-keepers with whom they shall agree as aforesaid, in the sum of twenty pounds, for the due and faithful performance of the duty enjoined them by this act.*

CHAP. LII. *An act for inspection of tobacco in the county of Davidson, in the town of Nashville, on Cumberland river.*

WHEREAS the cultivation of tobacco in the county of Davidson is greatly increasing, and the inspection of that commodity established, would tend greatly to the advantage of the persons raising the same:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the county court of Davidson shall annually appoint two or more persons, well acquainted with the nature and quality of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, restrictions and regulations, to which other inspectors in this State are subject.*

II. *And be it further enacted, by the authority aforesaid, that the inspectors to be appointed by virtue of this act, shall be entitled to receive the sum of eight shillings for each and every hoghead of tobacco by them inspected, in full for all their services, including turning up said tobacco, prizing, finding nails, weighing and issuing a note and no more, to be paid by the owners of the tobacco so inspected.*

III. *And be it further enacted, that the county court aforesaid shall be empowered to appoint, if they think necessary, two or more discreet persons to superintend the warehouse, whose business shall be to pick and sort such tobacco which shall be refused by the inspectors, and when picked and sorted in such manner as may pass inspection, they shall prize, weigh and do every necessary service thereon, for which they shall be entitled to receive the fifteenth part of all such tobacco in full for all their services.*

IV. *And be it further enacted, by the authority aforesaid, that all tobacco inspected in the town of Nashville, shall be held and deemed a lawful tender or payment for all tobacco contracts hereafter to be made in the said county of Davidson.*

CHAP. LIII. *An act for empowering the court of Randolph county to adjourn to the place which they shall think most convenient for holding the same.*

WHEREAS by an act of the General Assembly passed in the year one thousand seven hundred and eighty three, the place for holding the courts of said county, was appointed to be held at the former dwelling house of William Bell until the public buildings in said county should be completed, which place is found inconvenient for the purpose aforesaid:

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the said court be empowered, and they are hereby authorized, to adjourn to any convenient house until the public buildings of said county shall be completed, any law to the contrary notwithstanding.*

II. *And be it further enacted, by the authority aforesaid, that from and after the passing of this act the fifth section of the above recited act, be and is hereby repealed and made void. p. 121.*

CHAP. LVI. *An act for the inspection of tobacco in the town of Windsor.*

WHEREAS it may be beneficial to the planters of tobacco adjacent to the town of Windsor, that an inspection of that commodity should be established in the said town.

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the county court of Bertie shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax in the year one thousand seven hundred and seventy-seven, entitled, "An act to amend the statute of tobacco and prevent frauds." N. C. L. 2, 1777, 12, p. 337.*

II. *And be it further enacted, by the authority aforesaid, that the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hoghead; and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and every thing necessary thereto.*

III. *And be it further enacted, that all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection within this State.*

CHAP. LVII. *An act for the inspection of tobacco in certain western counties.*

WHEREAS the appointing inspectors of tobacco in certain western counties would enable the planters to sell the tobacco there inspected for a better price at home, and might tend to encourage the making tobacco, one of

the staple commodities of this State :

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the Justices of each county in the districts of Morgan and Salisbury, and the county of Randolph, shall have power annually to appoint two discreet and careful men, well acquainted with the qualities of tobacco, to be inspectors thereof in such county, who shall take the same oath or affirmation, perform the same duties, and be liable to the same penalties, and shall receive the same fees as other inspectors of tobacco in this State : Provided nevertheless, that the tobacco inspected by virtue of this act may be re-inspected if required by the purchasers, at any warehouse to which the same shall be carried for exportation, and if the said tobacco shall again pass and be approved, the purchaser shall pay the fees ; And provided also, that nothing in this act contained shall extend to empower any county court to lay a tax for the purpose of building a warehouse.*

CHAP. LVIII. *An act for the inspection of tobacco in the county of Surry.*

WHEREAS it may be beneficial to the planters of tobacco in the western parts of this State, that an inspection of that commodity be established in the county of Surry :

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the county court of Surry shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations, and restrictions, to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, an act to amend the staple of tobacco, and prevent frauds." N. C. L. 2, 1777, 12, p. 337.*

II. *And be it further enacted, by the authority aforesaid, that the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hoghead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and every thing necessary thereto,*

III. *And be it further enacted, by the authority aforesaid, that all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection in this State. Provided that nothing herein contained shall extend or be construed to extend to prevent the re-inspection of any tobacco inspected at the said inspection for said county, agreeable to this act, by the inspectors lawfully appointed at any inspection heretofore established by law, to which it shall or may be carried for exportation, if it shall appear that the tobacco so inspected has been rolled or otherwise damaged in its passage from the warehouse in said county to the port where it may be received. And provided also, that no tobacco inspected at said warehouse shall be held or deemed a lawful tender in payment of any tobacco contract heretofore made until re-inspected at some other warehouse, any law to the contrary notwithstanding ; and that the Justices of the county court aforesaid are hereby authorized and empowered, at the first court held in May next, to nominate and appoint such place as they may think most convenient for such inspection to be held, or warehouses to be erected for that purpose.*

CHAP. LIX. *An act for erecting a town on the lands of Whitmill Hill, in Martin county, on Roanoke river.*

WHEREAS it is represented to this Assembly that the land of Whitmill Hill, on the south side of Roanoke river, known by the name of Kehuky, in Martin county, is a healthy, pleasant situation, and very conveniently situated for trade and commerce, and the said Whitmill Hill having signified his consent to have seventy acres of the said land laid off for a town, which will greatly promote the trade and navigation of said river :

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said seventy acres of land be laid off in half-acre lots and streets accordingly, and the same are hereby constituted and established a town, and shall be called by the name of Blountville.*

II. *And be it further enacted by the authority aforesaid, that from and after the passing of this act, that Joseph Blount Hill, William Williams, Blake Baker Wiggins, John Danson, John Drew and Jeremiah Nehms, gentlemen, be and they and every of them, be constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate, in fee simple, in the said seventy acres of land as aforesaid, to and for the uses, intents and purposes hereby declared ; and the said commissioners or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Roanoke river, adjoining the said town for a public landing, as they shall think convenient and necessary.*

III. *Be it enacted by the authority aforesaid, that the said commissioners or a majority of them, shall appoint a time and give public notice thereof, for meeting the subscribers on the said land, for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the said commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town ; and the said commissioners or a majority of them shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns for ever ; and also to all and every other person and*

persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantees or grantees to whom the same shall be conveyed; and any person claiming any lot or lots in the said town by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.

IV. *And be it further enacted, by the authority aforesaid,* that the respective subscribers for the said lots shall, within three months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners the sum of forty shillings for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.

And for continuing the succession of the said commissioners, *be it enacted,* that in case of death, refusal to act, or removal out of the state of any of the said commissioners, the surviving or other commissioners or a majority of them shall assemble, and shall from time to time by an instrument in writing under their respective hands and seals, nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the state, which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this act.

CHAP. LX. *An act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county.*

WHEREAS it hath been represented to this General Assembly that the lands belonging to the estate of Mial Scurlock, dec. whereon the court-house and other public buildings in the county of Chatham now stand, is an exceeding healthy pleasant situation, well watered and commodious for commerce, being situate in a rich and fertile part of the country, and sundry merchants and persons of distinction in the lower parts of the state, are desirous that a town should be erected thereon with a design of becoming purchasers of lots, and erect buildings for the reception of their families in the summer months; it will also greatly tend to the ease and convenience of the inhabitants of that county in particular, and the western parts of this state in general. And whereas it appears by a certificate under the hands of Sarah Scurlock, executrix, and James Howard, executor of the last will and testament of the said deceased, that they are empowered by the last will and testament of the said deceased to dispose of the said land, and they have given their assent that one hundred acres should be laid off for a town.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that the trustees hereafter appointed, or a majority of them, shall as soon as may be after the passing of this act, cause one hundred acres of land to be laid off in half acre lots each, with convenient streets, lanes and alleys, and an hundred acres for the public buildings; which lots so laid off according to the directions of this act, are hereby constituted and erected a town by the name Pittsborough.

II. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, that Joseph Stewart, John Montgomery, Joseph Brantley, Zacariah Harmon, Elisha Gain, George Lucas, Matthew Jones, Will. Vesol, James Anderson, Esq's. be and they are hereby constituted trustees for the designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid out as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe therefor, and when the said trustees have taken subscriptions for eighty lots or upwards, they shall appoint a day and give public notice of the day and place appointed for the drawing of the said lots; which shall be done by ballot in a fair and open manner by the direction and in the presence of a majority of the trustees; and such subscriber shall be entitled to such lot or lots which shall be drawn for him, according to the mark or number in the plan of the said town; and the said trustees or a majority of them shall make and execute deeds for granting and conveying the lots as aforesaid to the subscribers, their heirs and assigns for ever; and also to every other person who shall purchase any other lot or lots in the said town at the cost and charge of the said grantees; and any person claiming any lot or lots by virtue of any such conveyance, shall and may hold the same in fee simple.

III. *And be it further enacted by the authority aforesaid,* that each and every subscriber for any lot or lots in the said town, shall within one month after it shall be ascertained to whom the said lots doth belong in manner herein before mentioned, and before any grant or conveyance shall be made, shall pay and satisfy to the said trustees or one of them such sum or sums of money as the trustees or a majority of them shall have fixed as the price of each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said trustees shall and may commence and prosecute a suit for the same, and therein shall recover judgment with costs of suit: And the said trustees shall as soon as they receive the money, pay and satisfy to Sarah Scurlock, executrix, and James Howard, executor of the said Mial Scurlock, dec. the sum of six pounds for each acre, in full satisfaction for the said land, and the residue if any shall be applied towards defraying the expences of laying off and improving the said town.

IV. *And be it further enacted, by the authority aforesaid,* that in case of the death, refusal to act, or removal out of the county, of any of the trustees, the survivor or survivors of them are hereby empowered from time to time, by

instrument of writing under their hands, to appoint some other person being a freeholder of the said town, in the place of him so dying, refusing to act, or removing as aforesaid; which trustee so appointed shall have the same powers and authorities as if he had been appointed by this act. *Provided nevertheless*, that two acres of land shall be reserved, exclusive of the said one hundred acres of land, to secure the dwelling-house and other houses belonging to the estate of the said deceased now on the said land.

CHAP. LXI. *An act for laying out a town on the lands of Jesse Peacock, in the county of Sampson.*

WHEREAS it hath been represented unto this General Assembly that a town in the county of Sampson, on the lands of Jesse Peacock, near the confluence of the Cohora and Six-Runs, where those streams make Black river, would be conducive to the interests of the county aforesaid, and may be rendered convenient to many of the neighbouring counties:

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that Richard Clinton, Richard Herring, David Dodd, William Vann and Curtis Ivey be and they are hereby appointed commissioners to settle with the said Jesse Peacock for any number of acres of land not exceeding one hundred, and the terms on which he will dispose of the same in lots of one half acre each; and the ground so agreed for lay off into streets not less than fifty feet or more than one hundred feet in width; which lots and streets the said commissioners are required to lay down in a regular plat, numbering the lots therein laid down, which ground so laid off shall be distinguished by the name of Lisburn.

II. *And be it further enacted, by the authority aforesaid*, that the commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when a name being drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unsubscribed, shall be vested in the said commissioners for the use of the said town. *Provided always*, the subscribers for the first fifty lots shall pay the sum of thirty shillings for each lot and no more, and that this act shall not have effect until the said Jesse Peacock shall execute a sufficient conveyance to the commissioners aforesaid, of the lands agreed for as aforesaid for the laying out the said town.

III. *And be it further enacted, by the authority aforesaid*, that the said commissioners or a majority of them, are hereby empowered to receive the same and to grant a certificate of the lot or lots when drawn by the subscribers, which is hereby declared to vest in them respectively a good and sufficient title in law.

IV. *And be it further enacted, by the authority aforesaid*, that if any of the commissioners hereby appointed should refuse to act, die or remove out of the county, the surviving commissioners shall be and they are hereby empowered to elect another in the room of him or them so refusing, dying or removing.

CHAP. LXII. *An act for erecting a town on the lands of Luke Mezell and William Mackay, on the south side of Roanoke river, in Martin county.*

WHEREAS it hath been represented to this General Assembly that the lands of Luke Mezell and William Mackay, on the south side of Roanoke river, is a healthy, pleasant situation, and very conveniently situated for trade, and the said Luke Mezell and William Mackay, having signified their consent to have fifty acres of said land laid off for a town, which will greatly promote the trade and navigation of said river:

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the said fifty acres of land be and is hereby constituted and established a town, and shall be called by the name of James-town.

II. *And be it further enacted, by the authority aforesaid*, that from and after the passing of this act, that Benjamin Hardison, Esq. John Stewart, Samuel Smithwick, Luke Mezell and James Mackay, be and every of them are hereby constituted commissioners and trustees, for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate in fee simple in the said fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners, or any three of them shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on the said river adjoining the said town for a public landing as they shall think convenient and necessary.

III. *Be it enacted, by the authority aforesaid*, that the said commissioners or a majority of them, shall appoint a time and give public notice thereof for meeting the subscribers on said land, for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the number in the plan for said town; and the said commissioners, or a majority of them, shall make and execute deeds for the granting and conveying the said lots to the persons entitled to the same, their heirs and assigns for ever; and also, to all and every other person or persons who shall purchase any lot or lots in said town, at the proper costs and charges of the grantee or grantees to whom the same may be conveyed.

IV. *And be it further enacted by the authority aforesaid*, that the respective subscribers of the said lots shall within three months after it shall be ascertained to whom each of said lots doth belong in manner herein before mentioned, pay and satisfy to the said commissioners the sum of five pounds for each lot by them subscribed for, and in case of the refusal

or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs. And for continuing the succession of the said commissioners, *be it enacted*, that in case of death, refusal to act, or removal out of the state of any of the said commissioners, the surviving or other commissioners or the majority of them shall assemble, and shall from time to time, by an instrument in writing, under their respective hands and seals nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act or removing out of the state; which new commissioner so nominated and appointed, shall from henceforth have the same power and authority in all things concerning the matters herein contained as if he had been expressly nominated and appointed by this act.

V. *And be it further enacted*, that the said Luke Mizell and William Mackay may retain to themselves three lots each, whereon they have a storehouse and other buildings already erected, any thing to the contrary notwithstanding.

CHAP. LXIII. *An act for erecting and establishing a town in the county of Lincoln.*

WHEREAS it hath been represented to the General Assembly that the commissioners appointed by act of the General Assembly for the purpose of purchasing one hundred acres of land, and fixing on a place convenient for erecting the public buildings of said county, have entered three hundred acres of vacant and unappropriated lands, lying and being between the lines of Philip Kancellor and Christian Rhinehearts, and the same being a healthy, pleasant situation, and well watered, the inhabitants of said county are desirous that a town should be established thereon; and whereas the said commissioners have proceeded to lay off fifty acres of the aforesaid lands into squares, streets and lots of half an acre each, and hath sold the several lots: therefore,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the said fifty acres of land so laid off into squares, streets and lots as aforesaid, be and the same is hereby constituted, erected and established into a town, and shall be called by the name of *Lincolnton*.

II. *And be it further enacted, by the authority aforesaid*, that Joseph Dickson, John Corouth, John Wilson, Joseph Steel and Nicholas Friday, Esqrs. be and they are hereby constituted and appointed trustees and directors for designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple, in the said fifty acres of land laid off as aforesaid, and also in the remaining two hundred and fifty acres adjoining thereto, for the uses, intents and purposes hereby expressed and declared, and the said trustees and directors; or any three of them, shall have full power and authority to meet as often as they shall think necessary, to lay off two or more lots of the said fifty acres of land laid off as aforesaid, convenient for the public buildings, and the residue into streets, squares and lots of half an acre each, and cause a plan thereof to be made, and therein to insert marks and numbers to each lot. And whereas the said Joseph Dickson, John Corouth, John Wilson, Joseph Steel and Nicholas Friday, have heretofore sold to several persons lots of half an acre each, laid out within the bounds of the said fifty acres of land:

III. *Be it enacted, by the authority aforesaid*, that the said trustees or directors or a majority of them, shall make and execute deeds for granting and conveying the said lots so laid off and sold as aforesaid, to the purchaser or purchasers, their heirs and assigns for ever, and also to every other person who shall purchase any lot or lots in said town, at the cost and charges of the grantee to whom the same shall be conveyed, and any person claiming any lot or lots by virtue of any such conveyance shall and may hold and enjoy the same in fee simple.

IV. *And be it further enacted, by the authority aforesaid*, that all monies which have arisen or shall hereafter arise by a disposal of the said lots granted by the said trustees or directors, or their successors, shall be received by the said trustees or their successors, and after their reasonable charges and expences deducted, and applied to the improvement and advantage of said town, in such manner as a majority of the said trustees or directors shall from time to time think convenient.

V. And for continuing the succession of the trustees or directors, *be it further enacted, by the authority aforesaid*, in case of the death, refusal to act, or removal out of the county of any of the said trustees or directors, the surviving or other trustees or directors or a majority of them, shall assemble, and are hereby empowered from time to time by instrument of writing, under their respective hands and seals to nominate and appoint some other person, being a freeholder in said town, in the place of him so dying, refusing to act or removing out of the county, which new director or directors so nominated and appointed, shall from thenceforth have the like power and authority as if he had been expressly nominated in and by this act.

CHAP. LXIV. *An act to establish the town laid off at Guilford court-house by the name of Martinville.*

WHEREAS a town hath been laid off at Guilford court-house at the instance and request of many of the inhabitants of the said county, that thereby an inland trade might be encouraged and promoted in that part of the state: and whereas divers merchants, artificers and other persons, induced from the pleasant and healthy situation of the place aforesaid, and the great number of neighbouring inhabitants have purchased lots from the proprietors, erected buildings and made considerable improvements for the purpose aforesaid, and are desirous the said town be established by legislative authority:

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same*, that one hundred acres of land adjacent to, and whereon Guilford court-house now stands, belong-

ing to *Alexander Martin* and *Thomas Henderson*, Esquires, who have signified their consent for this purpose, be established a town and a town common, agreeable to the plan laid off by *William Dent*, Esq. by the name of *Martinsville*.

II. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, *William Dent*, *Ralph Correll*, *Robert Lindsay*, *John Hamilton*, *William Dick*, and *Bazilia Gardner*, Esq's. be and they and every of them, are hereby constituted commissioners for the further designing, building and improving the said town; and they shall stand seized of an indefeasible estate in fee simple, of and in the residue of the said one hundred acres of land that remain undisposed of, to and for the uses and purposes hereby expressed and declared, except in two lots the proprietors shall make choice of; which are hereby reserved to each of their proper use and behoof in severalty, and their heirs and assigns for ever. And the said commissioners or a majority of them, shall make and execute deeds to such persons who shall become purchasers of any lot or lots in the said town that remain unsold by the proprietors aforesaid, at the cost and charges of the grantee or grantees; which lot or lots, by virtue of the said conveyance, shall be held to such purchaser or purchasers in fee simple, to his or their heirs or assigns for ever.

III. And be it further enacted, by the authority aforesaid, that all monies which shall arise from the disposal of the lots of the said town by the commissioners shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said *Alexander Martin* and *Thomas Henderson*, their executors, administrators or assigns.

And for the continuing the succession of the said commissioners, be it further enacted, by the authority aforesaid, that in case of the death, refusal to act, or removal out of the county of any of the said commissioners, the survivors or a majority of them, shall assemble, and are hereby authorised to nominate and appoint by instrument of writing under their hands, some other person being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act, or removing out of the county aforesaid; which said commissioners so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed had and exercised. Provided always, that the springs and water-courses in the said town shall be reserved for public use, and the inhabitants thereof shall have free egress and regress to and from the same, by such streets or alleys, as shall be deemed and laid off most convenient by the said commissioners, any thing contained herein to the contrary notwithstanding.

CHAP. LXV. An act to establish a town in the fork of Cumberland river and Red river on the east side of Red river in Davidson county.

WHEREAS a town has been laid off in the fork of Cumberland river and Red river, on the east side thereof, and a considerable number of lots sold by the proprietors, and the purchasers of these lots are desirous that the town should be established by legislative authority:

I. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that two hundred acres of land lying in the fork of the Cumberland river and Red river, on the east side thereof, belonging to *John Montgomery* and *Martin Armstrong*, Esq's. who have signified their consent for this purpose, be established a town and town common, agreeable to a plan laid off by the said *Martin Armstrong*, Esq. by the name of *Clarksville*.

II. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, *John Montgomery*, *Anthony Bledsoe*, *Anthony Crutcher*, *William Polk* and *Lardner Clarke*, Esq's. be and they and every of them are hereby constituted commissioners, for the further designing, building and improving the said town, and they shall stand seized of an indefeasible estate in fee simple, of and in the residue of the said two hundred acres of land that remain undisposed of, to and for the uses and purposes hereby expressed and declared, except such lots as the proprietors shall make choice of, which are hereby reserved to each of their proper use and behoof in severalty, and their heirs and assigns for ever; and the said commissioners or a majority of them, shall make and execute deeds to such respective persons as shall become purchasers of any lot or lots in the said town that remain unsold by the proprietors aforesaid, at the cost and charges of the grantee or grantees, which lot or lots by virtue of such conveyance, shall be held to such purchaser or purchasers in fee simple to his or their heirs and assigns for ever.

III. And be it further enacted, by the authority aforesaid, that all monies which shall arise from the disposal of the lots of the said town by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said proprietors, their executors, administrators or assigns. And for continuing the succession of the said commissioners;

IV. Be it further enacted, by the authority aforesaid, that in case of death, refusal to act, or removal out of the county, of any of the said commissioners, the survivors, or a majority of them shall assemble, and hereby are authorized to nominate and appoint, by instrument in writing under their hands, some other person, being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act or removing out of the county, which said commissioners so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed, had and exercised,

CHAP. LXVI. *An act to amend an act to establish the town of Morgan, and to direct the building a court-house, and prison in the same for the district of Morgan.*

WHEREAS agreeable to the above recited act the lots fronting six rods on the main streets, are extended no more than twelve rods back, and it is represented that it would be more convenient and advantageous to extend the said lots twenty-four rods back.

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that all the lots fronting six rods on the main streets of said town, and no more, shall be extended twenty-four rods back.*

CHAP. LXVII. *An act to amend an act for establishing a town on the land of Richard Evans, by the name of Martinborough, passed at Newbern, 1771; also to amend another act to amend the before recited act, passed at Newbern, in March, 1774. p. 64 & 72.*

WHEREAS by the before recited act, no provision has been made to enable the commissioners to make titles to lots in the said town:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act, it shall and may be lawful for the said commissioners or a majority of them and their successors, to give a deed or deeds, to any person or persons, their heirs and assigns, who have not had deeds for the lot or lots drawn for them, Provided, they can make it appear that they have paid the purchase money to the proprietors or treasurer of said town.*

II. *And be it further enacted, by the authority aforesaid, if any person or persons have had a lot or lots drawn for them, and the purchase money has not been paid, and they, their heirs and assigns, shall make application to the commissioners within four months after public notice is given, and pay the purchase money, and the interest from the time of drawing such lot or lots, then and in that case it shall and may be lawful for the commissioners of the said town to give a deed or deeds for such lot or lots in the same manner as deeds have heretofore been given. Provided nevertheless, that if any person or persons shall fail to make their claim within the time by this act given them, then and in that case it shall and may be lawful for the said commissioners to sell all such lots at public vendue to the highest bidder, and shall pay to the proprietor his purchase money and interest, and in case any overplus shall be left, the commissioners shall and may lay it out for the use of said town, to purchase books, and clearing the streets and alleys.*

III. *And be it further enacted, by the authority aforesaid, that the commissioners of said town shall and may meet as often as a majority of them shall think proper, to make such rules and orders as they shall think needful for the benefit of said town, and may lay a tax on each taxable person being liable to pay taxes, and being an inhabitant of said town, a sum not exceeding eight shillings on each poll, and a sum not exceeding eight shillings on every hundred pounds value of town property; and the said commissioners shall at their first meeting after the passing of this act, choose them a clerk and treasurer out of their own body, and when chosen, shall enter into bond with sufficient security, in the sum of five hundred pounds to the commissioners, for the faithful discharge of their trust, and shall keep a book for that purpose, and shall render a true and just account of all their proceedings whenever the said commissioners shall require it; and in case of neglect or refusal, it shall and may be lawful for the said commissioners or any three of them to cite the treasurer to appear at the next court to be held for the said county, they first giving him ten days previous notice in writing, and the court shall proceed as in other cases, any thing to the contrary notwithstanding; and the money arising from such suit shall be laid out for the benefit of the town.*

IV. *And be it further enacted by the authority aforesaid, that the commissioners shall have full power to summons all the males, being inhabitants of said town and liable to work on roads, to work on the streets and alleys, not exceeding twelve days in any one year; which said inhabitants on failure or refusing to meet and work on the said streets and alleys, shall be liable to the same penalties and forfeitures which delinquents to work on roads are liable to.*

V. *And be it further enacted by the authority aforesaid, that no person being an inhabitant of said town, shall be liable to work on roads for the future, for the service aforesaid.*

XI Year of Independence. The 18th of November, 1786.

CHAP. XXIV. *An act for the relief of George Laine Moore and William Jones.*

WHEREAS it is made known to the General Assembly, that George Miller purchased of John Campbell and Alexander McCulloch, as agents for Henry McCulloch, three hundred and twenty acres of land, on the twenty ninth of December, one thousand seven hundred and fifty-seven, for the consideration of twenty-five pounds; and that the deed of conveyance for the same is torn and great part thereof lost without being registered; and also that the aforesaid George Miller, after being possessed thereof near twenty years, hath sold the said lands, viz. two hundred and seventy acres to Michael Redwill, and fifty acres to Nathan Oakley: and that the said lands hath been so sold, viz. fifty acres by the said Oakley to William Jones, and the remainder two hundred and seventy acres by the said Redwill to

George Latne Moore. And whereas the estates of fair and honest purchasers may be drawn in question the original deed not having been proved and registered: for remedy whereof,

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that upon registration of the fragment of the said original deed, and of the deeds to *Michal Redwill* and *Nathan Oakley*, the same shall be good and valid to all intents and purposes as the original would have been, had the same been registered entire according to law; any law to the contrary notwithstanding.

CHAP. XXVI. *An additional act to an act, intituled, "an act for the regulation of the town of Newbern, and for other purposes."* p. 83.

WHEREAS it is necessary that the conduct of idle and disorderly slaves, free negroes, and persons of mixed blood in the said town, should be properly restrained, and that such regulations be made respecting them as will prevent the mischiefs and evils at present existing;

1. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that the commissioners of the said town to be appointed at their next annual election, and their successors, shall have full power and authority, and they are hereby directed to make such bye-laws and regulations with such penalties from time to time, for the restraint of idle and disorderly slaves, free negroes, and persons of mixed blood, as to them shall appear just and necessary. *Provided,* that the same be not incompatible with the laws of this state.

II. *And be it further enacted, by the authority aforesaid,* that the said commissioners and their successors, shall also from time to time make and adopt any laws or regulations that they may deem necessary, to prevent persons from trading or dealing with the slave of either the inhabitants of the county of *Craven* or of the said town; and that all fines that the said commissioners may levy for a breach of any of their laws or regulations, shall be recovered by a warrant and determined before a Justice of the Peace. *Provided nevertheless,* that nothing herein contained shall be construed to prevent or debar any person thinking him or herself aggrieved by the decision of any Justice on such warrant, from a right of appeal to the court of *Craven* county, first giving sufficient security, where the cause shall be tried *de novo* by the Justices of the said court or by a lawful jury at the option of the appellant, at the first court to which the appeal is made.

And whereas by an act of Assembly passed at *Newbern* the fifth day of *December*, one thousand seven hundred and sixty seven, intituled, "*an act for investing certain lots in the town of Newbern in his excellency the Governor and his successors*," in the fifth section of the said recited act, it appears that *Eden-street* was then vested in his Excellency the Governor, which has been prejudicial to the inhabitants of said town; *N. C. L. 1767, 4, 231.*

III. *Be it enacted, by the authority aforesaid,* that it shall and may be lawful for the said commissioners or a majority of them, at their first meeting, to cause that part of *Eden-street* which extends from *Trent-river* to *Pollock street*, and which by the before recited act vested in the Governor, to be again opened for the benefit of the public in the same manner as any other street in the said town, any law to the contrary notwithstanding; and that so much of the afore recited act as comes within the purview of this act, shall be and is hereby declared to be repealed and made void. *Provided,* that nothing in this act contained shall extend to enable the said commissioners to encroach on any of the public buildings, or on any part of any of the lots purchased for the public in the said town.

CHAP. XXVII. *An act to authorise the late commissioners of specific supplies for the several counties therein mentioned to collect the arrearages of specific taxes yet due from the inhabitants thereof.*

WHEREAS the specific taxes heretofore assessed on the inhabitants of the counties of *Bertie, Burke, Rutherford, Randolph, Tyrrel* and *Franklin*, have not been fully collected, and it may be doubted how far the late commissioners appointed for the collection of the said taxes have now a power for that purpose, or whether they have any at all:

1. *Be it therefore enacted,* that every person who has been duly appointed a commissioner of specific supplies in any of the said counties for any one or more years, who has not fully collected the specific tax due from the inhabitants of the county in which he was appointed a commissioner for any such year, his executors, administrators or appointee shall have full power and lawful authority, and the said commissioner, his executor, administrator or appointee, is and are hereby required to collect the same within twelve months at farthest after the passing of this act, and to use all and every the methods to enforce the payment of the said tax where the same may be necessary, as such commissioner was lawfully invested with the power of using when the said tax become due; but every person owing the same or any part thereof, shall when called upon for payment thereof under this act, pay the said tax in currency, according to such rates of commutation for money as were established by the respective acts under which such taxes severally became due, and where no such rates were then established, according to the rates affixed by the last specific tax law.

II. *And be it further enacted,* that the residue of the said taxes now due, when collected, shall be accounted for in such manner and according to such rules and regulations as are prescribed for collectors of public monies, and shall be subject to the same penalties for neglect or refusal.

III. *And be it further enacted,* that in all cases where any person shall alledge that the said tax assessed upon him or her in any year or part thereof has been paid, and that he or she either did not take a receipt for the same or that the

receipt has been lost, mislaid or destroyed, it shall be lawful for such person to make oath thereof before some Justice of the Peace, or affirmation, and such oath or affirmation shall be held and taken as a sufficient proof that the said tax was paid or part thereof, and shall operate as a full discharge of the same, or such part thereof as the payment of shall be sworn or affirmed to. *Provided*, that this act shall not enable any commissioner, his executor, administrator or appointee, to collect more than a single tax for any particular year from any person whatsoever.

CHAP. XXVIII. *An additional act to an act, intitled, an act to amend an act passed at Newbern, the first day of December, one thousand seven hundred and sixty six, entitled, an act for establishing a school-house in the town of Newbern.* p. 125.

WHEREAS the Newbern academy established by the before recited act will promote the valuable and useful purposes for which it was intended if properly encouraged; and as it hath been represented to this General Assembly that a lot of land with the improvements thereon in the town of Newbern, commonly called and known by the appellation of the Glebe, which was formerly purchased at the expence of the inhabitants of the county of Craven for the residence of a minister of the Episcopal church, would tend to the increase of the funds of the said academy, if the same was vested in the trustees thereof;

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the lot of land in the town of Newbern, situate on Middle and Johnson streets, and known and described in the plan of the said town by the number three hundred and twenty-two, together with all the improvements thereon, be, and it is hereby declared to be vested in the trustees for promoting and establishing the Newbern academy, and their successors forever, in trust to and for the benefits, uses and purposes of the academy; and the said trustees or a majority of them, at their first meeting after the passing of this act, may take possession of the said lot and improvements, and rent or otherwise dispose of the same in such manner as to them may appear most advantageous to the said academy.

CHAP. XXIX. *An act for improving the navigation to Newbern.*

WHEREAS it is represented to this General Assembly that the navigation for small vessels from Newbern to Ocracoke bar and Beaufort, may be greatly facilitated by cutting a canal across a certain point of marsh from Turnagain-bay to Long bay; and that the property of the marsh, so much of it as hath been surveyed, is vested in Richard Blackledge and Abner Neale, who have consented that a canal shall be opened through the same:

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same*, that Richard Wade, Asa Bishop and John Bragg, shall be and are hereby constituted trustees for receiving subscriptions for the purpose of opening a canal across the point of marsh from Turnagain-bay to Long bay; and they are hereby authorized to sue for and recover all such sums of money as shall be subscribed for that purpose, and the canal when they shall have opened the same, shall be deemed a public canal and free for all vessels forever.

CHAP. XXXI. *An act to repeal part of an act passed at Newbern the twenty-ninth day of December, seventeen hundred and eighty five, entitled, "an act for destroying wolves, panthers, bears, crows and squirrels in the several counties therein mentioned."* p. 155.

BE it enacted, by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, that from and after the passing of this act, the before recited act, and every article thereof as far as relates to the counties of Wake, Rutherford, Mecklenburg, Dobbs, Brunswick, Tyrrel, Wilkes and Surry, be, and the same is hereby repealed and made utterly void, so far as the same provides for the killing and destruction of crows and squirrels.

CHAP. XXXIII. *An act for the better regulation of the town of Hillsborough.*

WHEREAS it is the interest of this state to regulate the towns thereof and encourage their trade, and the laws heretofore made for regulating the town of Hillsborough have proved defective and inconvenient:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the books in which the proceedings of the commissioners have been entered by themselves or their clerks respecting the election of commissioners, granting and conveying lots, drawing lots, orders and settlements with respect to town moories, and all the proceedings agreeable to the acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

II. *Be it further enacted, by the authority aforesaid*, that seven commissioners shall be chosen on the first Saturday in February next, and the sheriff of Orange or his deputy is hereby required to attend at the court house, or some convenient place in the said town on the same day, and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; and in like manner the said sheriff or the coroner, first giving ten days notice by public advertisement, shall on the first Saturday in February in every year at-

terwards, in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal; to be recovered by action of debt in the court of the county of Orange, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other half to be paid to the treasurer of the town for the use of said town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I A. B. do swear, that I will faithfully discharge the office of a commissioner for the town of Hillsborough, agreeable to law and to the best of my knowledge and judgment."

III. And be it further enacted, by the authority aforesaid, that the commissioners shall appoint one of their own body to act as treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided*, that before such treasurer enters upon his office, he shall give his bond with good security, payable to the commissioners for the faithful discharge of his duty.

IV. And be it further enacted, by the authority aforesaid, that the commissioners of the said town shall choose and appoint a proper person to be their clerk, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the said commissioners and their successors, with two securities in the sum of one hundred and fifty pounds lawful money of this state, for the due and faithful execution of his office, and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office; and the said clerk is hereby authorized and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town, which were in the possession and care of the former commissioners, to which books, journals and papers all persons shall have free access on paying one shilling, under the penalty of forty shillings for every refusal.

V. And be it further enacted, by the authority aforesaid, that the commissioners of the town so chosen and qualified agreeable to the directions of this act, shall have full power and authority to lay a tax not exceeding the sum of eight shillings on every poll belonging to the said town, which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they appoint for that purpose; and the collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same in like manner as collectors of public taxes; and the monies arising therefrom, after the deducting one half per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

VI. And be it further enacted, by the authority aforesaid, that if any commissioner shall (after notice or summons subscribed by three of the commissioners and countersigned by the clerk, such notice or summons to contain the time and place of meeting, and to be served twelve hours at least previous to such meeting) fail to give his attendance, he shall forfeit and pay ten shillings, unless prevented by sickness or such other cause as shall be satisfactory to a board of commissioners, which shall not consist of less than a majority of the whole number, such fine or forfeiture to be recovered by a warrant from a Justice, and applied as the fines heretofore mentioned.

VII. And be it further enacted, by the authority aforesaid, that the commissioners of the said town are hereby empowered and authorized to employ the surveyor of the county of Orange, to survey and lay out the said town, agreeable to the original plan thereof, and to mark the same.

VIII. And be it further enacted, by the authority aforesaid, that the inhabitants of the said town, shall and may be at liberty after the passing of this act, to raise swine, geese, or any other stock, and suffer them to run at large in the said town; any law heretofore to the contrary notwithstanding.

IX. And be it further enacted, by the authority aforesaid, that all unimproved lots within the town aforesaid shall pay a tax of five shillings yearly, to be collected at the same time, and as other taxes imposed by this act.

X. And be it further enacted, by the authority aforesaid, that all and every other act and acts, and every clause and article thereof heretofore made within the purview of this act, is and are hereby repealed to all intents and purposes.

CHAP. XXXV. An act for the better regulation of the town of Halifax, and extending the liberties thereof; and for altering the mode of laying and levying taxes in the town of Edenton.

WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Halifax have proved defective and inconvenient: and whereas for many years during the late war no commissioners were chosen, and some lots may remain unconveyed to the proprietors, and doubts may arise concerning the titles to the same:

1. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the books in which the proceedings of the commissioners have been entered by themselves or their clerks respecting the election of commissioners, laying taxes, granting and conveying lots, drawing lots orders and settlements with respect to the town monies, and all the proceedings agreeable to the acts heretofore passed

for the regulatoin of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

And whereas the election of commissioners hath sometimes lapsed, owing to its not being the duty of any particular person to notify and direct the same :

II. *Be it further enacted by the authority aforesaid*, that five commissioners shall be chosen on the first *Saturday* in *February* next, and the sheriff of *Halifax* or his deputy is hereby required to attend at the court-house, or some convenient place in the said town on the same day, and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors ; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected ; and in like manner the said sheriff or his deputy, first giving ten days notice by public advertisement, shall on the first *Saturday* in *January* in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of *Halifax*, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other to be paid to the treasurer of the town for the use of the said town ; and the commissioners so chosen shall before they enter on the execution of their office take the following oath : " I A B do swear, that I will faithfully discharge the office of a commissioner for the town of *Halifax*, agreeable to law and to the best of my knowledge and judgement."

III. *And be it further enacted by the authority aforesaid*, that the commissioners shall appoint one of their body to act as treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose ; and upon the appointment of a new treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands : *Provided*, that before such treasurer enters upon his office, he shall give his bond with good security payable to the commissioners for the faithful discharge of his duty.

IV. *And be it further enacted by the authority aforesaid*, that the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the commissioners of the said town and their successors, with two sufficient securities in the sum of two hundred pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office. And the said clerk is hereby authorised and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town, which were in the possession and care of the former commissioners ; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

V. *And be it further enacted by the authority aforesaid*, that the commissioners of the town so chosen and qualified agreeable to the directions of this act, shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of *Halifax*, and by that name to have annual succession by the election of the freeholders and freemen as by act this is directed, and a common seal ; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for the said town, any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant sell, demise, alien or dispose of the same, also to receive and take any gift or donations whatsoever to the said town ; and also by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, town watches or patrols, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town, and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue, as to the said commissioners or a majority of them shall appear necessary ; and also shall have full and ample powers to enforce a compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in the cases of slaves the punishment of thirty-nine lashes ; the said penalty to be recovered, and the punishment inflicted in manner hereafter mentioned ; *Provided*, that such rules and regulations are not inconsistent with the constitution and laws of the land.

And whereas the proper office of the said commissioners is that of making bye laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said commissioners, for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect : for remedy whereof,

VI. *Be it enacted, by the authority aforesaid*, that a proper person shall be elected at the time and in the manner herein directed for the election of commissioners, who shall be called the magistrate of police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders ; and shall be, and he is hereby authorised to issue his warrant, directed to the sheriff, deputy-sheriff or town constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and

authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the said sheriff, deputy sheriff or constable is hereby required to execute, and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I A. B. do solemnly swear, that as a magistrate of police for the town of Halifax, I will do equal right in all cases whatsoever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals."

And whereas the said town has been laid out on a narrow slip of land extending from Roanoke river toward Quakey creek, so that many persons live without the limits of the said town, yet are so necessarily connected therewith, that they ought to be within the rules and regulations made for the government of the said town:

VII. *Be it enacted therefore by the authority aforesaid*, that the liberties, privileges, rules and regulations of the said town shall be enlarged and extended in manner and form following, to wit, beginning at the north-west end of Water street, running thence the course of said street one quarter of a mile, thence south thirty-nine degrees west a parallel line with the plan of the town till it strikes Quakey creek, thence down the meanders of said creek to the river, thence up the river to the north east end of Water street.

VIII. *And be it further enacted by the authority aforesaid*, that the commissioners of the said town shall annually levy a tax not exceeding eight shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property; which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they appoint for that purpose; and the collector to be appointed as aforesaid, is hereby empowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

IX. *Be it enacted, by the authority aforesaid*, that every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assigned for the use of the state, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitant shall fail to do so, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; any thing herein contained to the contrary notwithstanding. *And it is hereby declared*, that every person inhabiting or occupying any house or other building or improvement, or lot within the said town, shall be liable to the payment of the tax thereof unless the same shall have been returned by some other inhabitant.

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommode, and injury may arise by fire being communicated across the streets thereby: for remedy whereof,

X. *Be it enacted by the authority aforesaid*, that the commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall impose a ground rent not exceeding forty shillings, to be annually paid for each piazza, porch, platform or other encroachments on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town: and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the delinquent. *Provided always*, that uncovered piazzas or platforms, and uncovered porches, not exceeding eight feet wide including steps and cellar doors, shall not be liable to pay any ground rent; any thing herein contained to the contrary notwithstanding.

XI. *And be it further enacted by the authority aforesaid*, that no person shall be deemed qualified to act as a commissioner of the town of Halifax, unless he is an inhabitant of the said town or the liberties thereof, and hath a lot or land therein, with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick chimney to the same; and every person who is a freeholder in the said town or the liberties thereof, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for the said commissioners.

XII. *And be it further enacted*, that the said commissioners are hereby fully authorized and particularly required and directed, to make such laws and regulations as they may deem necessary to prevent hogs running at large in the said town, slaves from keeping houses without a licence from the commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient: *Provided nevertheless*, that the regulations respecting hogs or other stock shall not be considered to extend beyond the present limits of the town, so as to authorize any person residing in the liberties thereof to seize, kill, or destroy the same, or any hog or hogs found running at large there-

in, subject to be seized, forfeited or destroyed. *And provided also*, that the powers hereby committed to the said commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes.

And whereas the mode of laying and collecting the taxes in the town of *Edenton*, has been found extremely unequal and inconvenient :

XIII. *Be it enacted*, that the mode of laying, levying, collecting and accounting for the taxes laid by the commissioners of the said town of *Edenton*, shall from and after the passing of this act, be in the same manner as directed by this act for the town of *Halifax*.

CHAP. XXXVI. *An act for erecting a prison in the county of Franklin.*

I. II. III. & IV. *Obsolete.*

V. **A**ND be it further enacted by the authority aforesaid, that in case any county within this state should by any means be without a gaol, and the bail of any debtor shall surrender the principal to the custody of the sheriff, or where the debtor shall neglect or refuse to give bail, then and in either of the cases aforesaid, it shall and may be lawful for the proper officer, and he is hereby authorized and required to commit such debtor so surrendered, neglecting or refusing to give bail as aforesaid, to the public gaol of the district.

VI. *And be it further enacted by the authority aforesaid*, that after the passing of this act it shall not be lawful to commit any criminal to the county gaol, but all criminals shall in future be committed to the public gaol of the district.

CHAP. XXXVII. *An act to release the estate of John Anderson, deceased, late of Guilford county, from the forfeiture of a recognizance entered into for the appearance of a certain John M'Rory before the Superior Court of Salisbury district.*

WHEREAS *John Anderson* was bound in a recognizance in the sum of one hundred pounds, for the appearance of a certain *John M'Rory* before the Superior Court of *Salisbury* district, to answer a certain charge then and there to be exhibited against him : and whereas it is fully and clearly made appear to this General Assembly, that the said *John Anderson* at the time the said Superior Court set, was lying sick, of which sickness he died the second day after the rise of the said court, and thereby rendered unable to produce the body of the principal :

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the estate of the said *John Anderson* deceased, be released and fully discharged from the forfeiture and judgement aforesaid, in the same manner as if the said recognizance and judgement had never been made.

CHAP. XLI. *An act to amend an act, entitled, an act for the regulating the town of Salisbury in the county of Rowan, and for the regulating the town of Windsor in Bertie county.*

WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the said town of *Salisbury* having proved defective :

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that five commissioners shall be chosen on the first Saturday in February next, and the sheriff of *Rowan* county, or his deputy is hereby required to give notice, attend at the court-house on the same day, and at the hour of ten o'clock in the forenoon, open the poll and receive the tickets in the presence of two inspectors ; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected ; and in like manner the said sheriff or his deputy, first giving ten days notice by public advertisement, shall on the first Saturday in February in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year, under the penalty of twenty-five pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of *Rowan*, by any person who shall sue for the same in six months after such neglect or refusal, one half to the prosecutor, the other half to be paid to the treasurer of the town for the use of the said town ; and the commissioners so chosen shall before they enter on the execution of their office take the following oath : " I, A. B. do swear, that I will faithfully discharge the office of commissioner for the town of *Salisbury*, agreeable to law and to the best of my knowledge and judgment."

II. *And be it further enacted by the authority aforesaid*, that the commissioners shall appoint one of their body to act as treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose ; and upon the appointment of a new treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands : *Provided*, that before such treasurer enters upon his office, he shall give his bond with good security payable to the commissioners for the faithful discharge of his duty.

III. *And be it further enacted by the authority aforesaid*, that the commissioners of the said town shall choose and appoint
* I believe there is no act of Assembly so entitled—Judge Iredell who has preserved the title of every private act, does not record the title of any act so headed. I have examined this matter very carefully.

point a proper person to be their clerk of the said town; to act as such during good behaviour, who shall be allowed a reasonable salary and enter into bond to the commissioners of the said town and their successors, with two sufficient securities in the sum of one hundred pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office. And the said clerk is hereby authorized and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of one pound for every refusal.

IV. *And be it further enacted, by the authority aforesaid,* that the commissioners of the town so chosen and qualified agreeable to the directions of this act, shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of Salisbury, and by that name to have annual succession by the elections of the freeholders and freemen as by this act is directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for the said town, any lands, rents and tenements of what kind, nature or quality whatsoever, and to grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, town watches or patrols, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town, and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue, as to the said commissioners or a majority of them shall appear necessary; and also shall have full and ample powers to enforce a compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in the case of slaves the punishment of thirty nine lashes; the said penalty to be recovered, and the punishment inflicted in manner hereafter mentioned.

And whereas the proper office of the said commissioners is that of making bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect for remedy whereof;

V. *Be it enacted, by the authority aforesaid,* that a proper person, being a Justice of the Peace in the said town, shall be elected at the same time, and in the manner herein directed for the election of commissioners, who shall be called the Magistrate of police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be, and is hereby authorized to issue his warrant, directed to the sheriff, deputy-sheriff or town constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the said sheriff, deputy-sheriff or constable is hereby required to execute, and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers, to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I A B do solemnly swear, that as a Magistrate of police of the town of Salisbury, I will do equal right in all cases whatsoever to the best of my judgment; and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things pertaining to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals." Provided always, that where any person shall think him or herself aggrieved by the judgment of the said Magistrate of police, such person shall have the right of appealing from the said judgment to the court of pleas and quarter-sessions for the county of Rowan.

VI. *And be it further enacted, by the authority aforesaid,* that the commissioners of the said town shall annually levy a tax not exceeding six shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property; which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they appoint for that purpose; and the collector to be appointed as aforesaid, is hereby empowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such public work and business as the commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

VII. *Be it enacted by the authority aforesaid,* that every inhabitant thereof shall yearly, at the time he:

shall give in his taxable property to be assigned for the use of the state, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; any thing herein contained to the contrary notwithstanding. And it is hereby declared, that every person inhabiting or occupying any house or other building or improvement, or lot within the said town, shall be liable to the payment of the tax thereof unless the same shall have been returned by some other inhabitant.

And whereas encroachments may be made on the streets of the town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: for remedy whereof,

VIII. *Be it enacted by the authority aforesaid*, that the commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall impose a ground rent not exceeding forty shillings, to be paid annually for each piazza, porch, platform or other encroachments on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town: and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the delinquent. *Provided always*, that uncovered piazzas or platforms, and uncovered porches, not exceeding seven feet wide including steps and cellar doors, shall not be liable to pay ground rent; any thing herein contained to the contrary notwithstanding.

IX. *And be it further enacted by the authority aforesaid*, that no person shall be deemed qualified to act as a commissioner of the town of Salisbury, unless he is an inhabitant of the said town or the liberties thereof, and hath a lot of land therein; and every person who is a freeholder in the said town or the liberties thereof, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for the said commissioners.

X. *And be it further enacted*, that the said commissioners are hereby fully authorised and particularly required and directed, to make such laws and regulations as they may deem necessary to prevent hogs running at large in the said town, slaves from keeping houses without a license from the commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient: *Provided nevertheless*, that the regulations respecting hogs or other stock shall not be considered to extend beyond the present checkers of the town, so as to authorise any person residing in the liberties thereof to seize, kill, or destroy the same, or any hog or hogs found running at large therein, subject to be seized, forfeited or destroyed. *Provided nevertheless*, that nothing in this act shall be construed to give the commissioners of the said town, power to authorise by any bye-law whatever, any person or persons to kill or destroy the hogs belonging to any person living without the checkers of the said town; but such hog or hogs when found running at large within the checkers of the said town, may be impounded by the town constable or such person as the commissioners shall appoint for that purpose; and a fine not exceeding six pence for each hog impounded on the owner, with the costs or charges which shall be ascertained by the commissioners in the regulations of the town. *And Provided also*, that the powers hereby committed to the said commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty nine lashes.

XI. *And be it therefore enacted by the authority aforesaid*, that from and after the passing of this act, so much of the before recited act as comes within the purview and meaning of this act, is hereby declared to be henceforth null and void to all intents and purposes whatsoever.

XII. *And be it further enacted, by the authority aforesaid*, that the foregoing act shall also govern and regulate the town of Windsor in the county of Berke, in the same manner as it does the town of Salisbury; and all matters and things directed to be done by the officers of Salisbury, and all matters and things directed to be done by the officers of Berke county with respect to the town of Windsor, shall be done by the officers of Berke county with respect to the town of Windsor also.

XIII. *And be it further enacted*, that all act or acts heretofore made for the regulation of the town of Windsor, so far as the same may come within the purview and meaning of this act, shall be repealed to all intents and purposes whatsoever.

CHAP. XLII. *An act to alter and amend an act passed at Hillsborough in May 1783, entitled, "an act for repairing the court-house and prison in the town of Salisbury, for the district of Salisbury;" also one other act passed at Newbern in November, 1784, entitled, "an act for levying a tax in the counties of Hillsborough and Salisbury, districts, for the repairing the district buildings in the towns of Hillsborough and Salisbury, and directing the method of calling to account all commissioners of public buildings heretofore or hereafter to be appointed;" also to alter and amend the several laws now in force for erecting and repairing the public buildings in the district of Hillsborough: p. 144.*

WHEREAS the aforementioned laws have not had the desired effect, and some of the commissioners of the building for the district of Salisbury have declined to act:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Maxwell Chambers, Anthony Newman, Spruce McCay and John Steel, Esquires, be, and they are hereby appointed commissioners for building a court house, gaol, pillory and stocks in the town of Salisbury, for the district of Salisbury, who shall enter into bond to the chairman of Rowan county court in the sum of two thousand pounds, conditioned that they shall faithfully apply and account for all monies by them received for the purposes aforesaid; and the present and former sheriffs and collectors, county and district treasurers of the several counties of Rowan, Montgomery, Richmond, Anson, Mecklenburg, Surry, Guilford, as it stood undivided, and all others who have received or collected or hereafter may receive or collect any sum or sums of money, are hereby directed and required to pay the same into the hands of the commissioners hereby appointed for the purposes aforesaid: and in case any of the said present or former treasurers, sheriffs or collectors, shall make default in payment of the monies as aforesaid, the said commissioners or a majority of them are hereby empowered to cite the delinquent sheriff, sheriffs, treasurers or collectors to appear at any county court within the district, and then and there to enter up judgment against such delinquent sheriff or sheriffs, treasurers or collectors for the amount of the tax which he or they ought to have collected for the purposes aforesaid, in the same manner, and under the same regulations and restrictions as the public treasurer in this State is authorized and directed to enter up judgment against all delinquent sheriffs, treasurers or collectors, failing to account for, and pay the public taxes; and the said court is to award execution against the goods and chattels, lands and tenements of such sheriffs, treasurers or collectors, or their securities.

II. And be it further enacted by the authority aforesaid, that the said commissioners, or a majority of them, are hereby authorized and empowered to sell and dispose of the old gaol in the town of Salisbury for as much as it will fetch at public sale, giving a credit of twelve months; or if they think it most expedient may convert the materials of the old gaol towards the building the new one by this act directed to be built: *Provided*, that in case the old gaol is sold, possession of the same shall not be given to the purchaser until twelve months after the sale of the same; but shall during that time be continued as the public gaol of the district as usual: *And provided also*, that nothing herein contained shall be construed to authorize the said commissioners to sell or dispose of the iron belonging to the doors or windows of the said gaol, but that the same shall be kept to be by them applied to the purposes of building the new one by this act directed. Whereas it is suggested that several sheriffs, treasurers or collectors of said district who are now deceased, did collect and receive monies from the aforementioned purposes, and never accounted for the same:

III. Be it therefore enacted by the authority aforesaid, that where it appears that any monies have been collected for the above purposes by deceased sheriffs, treasurers or collectors, the said commissioners are hereby directed to call to account the heirs, executors or administrators of such deceased sheriffs, treasurers or collectors for all such sums of money as appears to be unaccounted for, in the same manner, and under the same restrictions as they are directed to call delinquent sheriffs, treasurers or collectors who are living. *Provided always*, that where it shall appear that any sheriff, treasurer or collector, who hath collected and received any monies for the before mentioned purposes, shall have died before accounting for the same in such manner as by law they are directed to do, the aforesaid commissioners are hereby authorized to institute suits against the heirs, executors or administrators of such deceased for the monies collected and unaccounted for by the deceased, and thereon recover judgment in the same manner as they are by this act directed to recover against delinquent sheriffs, treasurers or collectors who are now living.

IV. And be it further enacted, by the authority aforesaid, that John Taylor, Jesse Benton and William Walters, be, and they are hereby appointed commissioners for the repairing the court house and gaol for the district of Hillsborough, and that they have and possess all and singular the powers and authorities now vested in them, who by an act, entitled, *an act* have been heretofore appointed commissioners for making such repairs.

CHAP. XLIV. *An act to establish a town on the east side of the north east of Cape Fear river, in Duplin county, and for adding Alexander Martin, Esquire, to the board of commissioners for the town of Martinville, in Guilford county.*

WHEREAS a town has been laid off on the lands of doctor William Houston, and a considerable number of lots sold by the proprietor, and the purchasers of these lots are desirous that the town should be established by legislative authority:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that one hundred acres of land, lying on the east side of the north east branch of Cape Fear river, in Duplin county, lately sold by doctor William Houston, for laying off a town and town commons, agreeable to a plan laid down by commissioners chosen for that purpose, be and the same is hereby established into a town by the name of *Sartre*.

II. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, Charles Ward, John Hill, James Galloway, Samuel Houston, David McDough, George Miller, and John Whitsell, be, and they and every of them hereby constituted commissioners for the further designing, building and improving the said town; and they shall stand seized of an indefinite estate in fee simple of and in the residue of the said one hundred acres of land that remain undisposed of, to and for the purposes hereby expressed and declared, except such lots as the proprietor hath made choice of, which is hereby reserved to his proper use and behoof, and his heirs and assigns forever, and the said commissioners or a majority of them, shall make and execute deeds to such respective persons, as

have and shall become purchasers of any lot or lots in the said town that hath or may be sold by the proprietor aforesaid at the cost and charges of the grantee or grantees, which lot or lots by virtue of such conveyance, shall be held to such purchaser or purchasers in fee simple to his, her or their heirs and assigns forever.

III. *And be it further enacted, by the authority aforesaid,* that all monies that shall arise from the disposal of the lots of the said town by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said proprietor, his heirs, executors, administrators or assigns. And for the continuing the succession of the said commissioners.

IV. *Be it further enacted, by the authority aforesaid,* that in case of death, refusal to act or removal out of the county of any of the said commissioners, the survivor or a majority of them shall assemble, and hereby are authorized to nominate and appoint, by instrument in writing under their hands, some other person being an inhabitant and freeholder in the said county, in room of him dead, refusing to act, or removed out of the county, which said commissioner or commissioners so appointed shall have and exercise all the same powers and authorities in all matters herein contained, as the person or persons in whose room and stead he or they was so appointed, had and exercised. *Provided always,* that nothing in this act contained shall be construed so as to obviate any regulation, compact or agreement entered into by the commissioners lately chosen for regulating the said town, all which regulations, restrictions and agreements are hereby declared good and valid in law.

V. *And be it further enacted by the authority aforesaid,* that Alexander Martin, Esquire, be added to the board of commissioners for the town of Martinville, in the county of Guilford, and be invested with the same powers and authorities respecting the said town, which each of said commissioners hold, enjoy and possess.

CHAP. XLV. *An act to establish a public inspection of tobacco in the town of Salisbury in the county of Rowan.*

WHEREAS the establishing a public inspection of tobacco in the town of Salisbury, will encourage commerce, promote industry, and be advantageous to the tobacco planters and others in the county aforesaid:

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that the Justices of the county court of Rowan, shall and are hereby empowered and directed to cause to be built and erected a ware house and other conveniences in the said town, fit and necessary for the reception, inspection and safe keeping of tobacco in the said town; and the same when so built and erected, shall and is hereby declared to be a public ware house for the reception of tobacco.

II. *And be it enacted, by the authority aforesaid,* that the said court shall annually appoint two discreet and careful men, well qualified and acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "an act to amend the staple of tobacco and prevent frauds," which said law so far as is not provided for by this act, shall govern the inspection hereby established. N. C. L. 2. 1777. p. 337.

III. *And be it further enacted, by the authority aforesaid,* that the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for each and every hoghead of tobacco, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, pricing and every thing necessary thereto. *Provided,* that the tobacco inspected by virtue of this act at the town of Salisbury, shall always be subject to re-inspection at the place where the same may be shipped.

IV. *And be it further enacted, by the authority aforesaid,* that the inspectors or either of them, when so appointed by the court and qualified as by this act directed, is hereby invested with full power and authority to inspect any tobacco that may be brought to the said ware-house, and on passing the same grant a certificate or note thereof to the owner or owners as the case may be.

CHAP. XLVI. *An act to confirm unto Richard Dobbs Spaight an indefeasible title to certain lands therein mentioned in Bladen county.*

WHEREAS Richard Dobbs Spaight, Esquire, of Craven county, hath represented to this present General Assembly, that Samuel Swann, Esquire, deceased, obtained a grant from the late lords proprietors of Carolina, bearing date the twentieth day of October, one thousand seven hundred and twenty-eight, of six hundred and forty acres of land in Bladen county, then part of that district called Bath county, lying on the south side of the north-west branch of Cape-Fear river, being a place then commonly known by the name of Perlemburg: beginning at a birch, the late Richard Singletary's lower corner tree, and running south sixty west in the said Singletary's line three hundred and forty eight poles, thence south sixty east three hundred and ten poles, to the line of Cornelius Harnett, deceased, thence down along his line north sixty east to an ash, his supposed corner tree, thence up the meanders of the river to the first station. And whereas the said Samuel Swann afterwards sold the said lands among other things, to Job Howe, Esquire, deceased, by deed poll bearing date on or about the year one thousand seven hundred and thirty six, and the said Job Howe, in and by his last will and testament, devised the lands herein before described to his two sons, Thomas Clifford Howe and Arthur Howe, their heirs and assigns forever equally to be divided between them; and whereas the said Thomas Clifford Howe and Arthur Howe, did by mutual consent and agreement make partition of the said lands between them, and each of them possessed his respective share of the said lands after the division of said

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CHAP. XLVII.

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lands, in severalty, agreeable to the last will of their said father: and whereas the deed poll before mentioned, executed by the said Samuel Swann to the said Job Howe, having been lost or mislaid, he the said Samuel Swann, by indenture tripartite, bearing date the fourteenth day of September, one thousand seven hundred and sixty seven, made between him the said Samuel Swann of the first part, the said Thomas Howe of the second part, and the said Arthur Howe of the third part (therein reciting more fully all the facts and circumstances hereinafore set forth) did remise, release and forever quit claim unto the said Thomas Howe, then in his actual possession and seizin, and to his heirs and assigns forever, among other things, three hundred and twenty acres of land, being one moiety or half part of the lands herein before mentioned and described (being the lowest half part) as the same was laid off and divided agreeable to the plan thereof annexed to the said indenture: and whereas the said Thomas Clifford Howe, by indenture bearing date on or about the year one thousand seven hundred and fifty-eight, or one thousand seven hundred and fifty nine, bargained, sold and conveyed to Richard Spaight, Esquire, deceased, (father of the said Richard Dobbs Spaight) who died intestate, the same three hundred and twenty acres of land, with the appurtenances to hold to him the said Richard Spaight, his heirs and assigns forever: beginning at a white oak, Harnett's upper back corner tree, running thence north sixty west one hundred and fifty five poles, then north sixty east three hundred and forty eight poles to the river, thence down the meanders of the river to an ash, Harnett's upper corner tree on the north-west river, thence south sixty west three hundred and forty eight poles to the beginning; which said last mentioned premises with the appurtenances were actually in the possession and seizin of the said Richard Spaight in his lifetime, and hath continued to this time in the possession of the said Richard Dobbs Spaight, and during part of his minority hath by his guardian been rented out as his property, and in the neighbourhood thereof is universally acknowledged to be part of his estate: and whereas by the long minority of the said Richard Dobbs Spaight, the death of one of his guardians, and the removal from this country of the other, and the calamities and confusion of the late war or by some other cause; the conveyance of the said Thomas Clifford Howe to the said Richard Spaight hath been lost or mislaid, and the records of Bladen county having some years since the conveyance of the said land been consumed by fire, the said Richard Dobbs Spaight is left without any legal title to the said lands purchased by his father as aforesaid, and hath little more to defend his property than a precarious title grounded on possession and supported by verbal testimony, of which in the course of human events he must soon be deprived: for remedy whereof, the several facts being made known to the satisfaction of the legislature.

I. Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the said tract or parcel of three hundred and twenty acres of land herein last mentioned and described, as the same was divided and laid off by a division made between the said Thomas Clifford Howe and Arthur Howe, and agreeable to the part or survey thereof annexed to the before recited indenture, made between the said Samuel Swann of the first part, the said Thomas Clifford Howe of the second part, and the said Arthur Howe of the third part, with the appurtenances, be and the same and every part and parcel thereof, is hereby confirmed to the said Richard Dobbs Spaight his heirs and assigns, in as full and ample manner as he and they can have, hold and enjoy the same, saving and reserving nevertheless to all and every person and persons other than the heirs of the said Thomas Clifford Howe, all the right, title and interest, which they or any of them might have had of, in and to the same, in the same manner as if this act had never been made, any thing herein contained to the contrary notwithstanding.

CHAP. XLVII. An act to keep open Cape Fear, Wharfe, Rokey river of Pee-Dee, the Catawba, Deep river, the Yadkin river, Dan, Haw river and Rokey river, for the passage of fish up the same.

WHEREAS it is represented to this General Assembly, that the free passage of fish up Cape Fear, Wharfe, Rokey river of Pee-Dee, the Catawba, Deep river, the Yadkin river, Dan, Haw river and Rokey river, is prevented by the erecting of dams and other stoppages across the said rivers: for remedy whereof,

- I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that every person or persons who have erected or built any ware, dam or stoppage across the rivers aforesaid, shall destroy and remove so much thereof within one month after passing this act, as to leave one fourth part of the rivers in the deepest part thereof, open for the passage of fish, and on failure or neglect shall pay five pounds for every twenty-four hours such dam or ware, or other invention shall stand the term aforesaid.
- II. And be it further enacted by the authority aforesaid, that from and after the passing of this act, no stands, dams, wares or other stoppages shall be erected so as to take up more than three fourths of the rivers within mentioned, leaving one fourth open, and any person erecting wares, dams or other inventions contrary to the intent and meaning of this act, shall forfeit and pay one hundred pounds.
- III. And be it further enacted, by the authority aforesaid, that all penalties mentioned in this act, shall be recovered against any person or persons who may incur them in any court of record by any person who will sue for the same, one half to be applied to his or their own use, and the other half for the use of the county where the plaintiff resides: Provided, that nothing herein contained shall extend to pulling down or destroying any water grist-mill which may be on the same rivers; any thing herein contained to the contrary notwithstanding.

CHAP. XLVII. *An Act to emancipate Caesar, formerly a servant of Samuel Yeargan, deceased.*

WHEREAS by the last will and testament of Samuel Yeargan, deceased, late of the county of Warren, he did devise in his said will that a certain negro man of his property, should after the death of his daughter Anne Alston, wife to William Alston, of Chatham county, be set free, for and during the full term of fifty five years: and whereas the said Anne being now dead, it is thought just and right the said last will and testament should be adhered to:

I. *Be it therefore enacted, by the General Assembly, that from and after the passing of this act, that the aforesaid Caesar shall and may be at his own liberty, for and during the term mentioned in his master's will, upon the same footing, and under the same restrictions as other free negroes are intitled to in this state, and shall be known and called by the name of Caesar Henry; any law to the contrary notwithstanding.*

CHAP. LI. *An act to establish the late survey and plan of the town of Tarborough as made and laid down by the direction of the commissioners composing the body politic and corporate of the said town, and to amend an act intitled, "an act for the better regulation of the town of Tarborough." p. 153.*

WHEREAS it is represented to this General Assembly, that from the irregular manner in which most of the buildings first erected in the town of Tarborough have been placed, as well as to prevent in future the erecting of others in like manner, it hath been judged adviseable by the inhabitants of the said town generally, that the width of the streets thereof should be curtailed and their limits fixed with precision; and it being further represented that pursuant thereto the commissioners have caused an accurate survey of the said town and town common to be made, and the streets to be accordingly curtailed and posted as appears by a plat and plan thereof now before this Assembly, bearing date the twenty third day of June, one thousand seven hundred and eighty six, and it being prayed that the same should be established and made valid by act of Assembly:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the survey and plan of the town of Tarborough made by Riheldred Philips and Benjamin Dicken, Esquires, surveyors, agreeably to the direction of the commissioners of the said town, bearing date the twenty-third day of June, one thousand seven hundred and eighty six, and which survey is bounded as follows, to wit, beginning at a live-oak, gum and swamp beach, standing in the mouth of a small branch which empties into Holly's creek a little above where the road crosses the said creek, running thence north fifty-two east one hundred and sixty-six poles, to the center of four small pines and a gum, thence south twenty-eight east two hundred poles, to the center of two red oaks, a black gum and chinkapin standing on the bank of the river, thence down the river to the mouth of Holly's creek, thence up the said creek to the beginning: containing one hundred and seventy five acres or thereabouts: one copy of which survey or plan being first filed in the Secretary's office, and one other copy among the papers of the said board of commissioners, shall ever thereafter be held and deemed to be the bounds and plan of the said town. Provided nevertheless, that nothing herein contained shall operate as a bar of action against any person or persons owning lands adjoining the said town, who may think him or themselves aggrieved by the survey aforesaid. And to the end that the owners of lots may be compelled to pay a tax proportionate to the worth of the same:*

II. *Be it further enacted, that for the year one thousand seven hundred and eighty-seven, and each succeeding year, the persons appointed to assess the town property in the county of Edgecombe, shall in addition to the return by them to be made to the court of the said county, make at the same time an accurate return on oath, under their hands and seals, of the valuation of each and every lot with its improvements in the town of Tarborough, to the chairman of the board of commissioners for the said town; and the commissioners shall and may thereupon levy a tax not exceeding eight shillings on each and every hundred pounds of the property so valued, and also a tax not exceeding eight shillings on each and every person (being a proprietor in the said town) whose lot or lots do not amount agreeably to the valuation aforesaid to one hundred pounds, exclusive of the taxes heretofore by act of Assembly on piazzas, porches and other encroachments.*

III. *And be it further enacted, that all free males of twenty-one years old and upwards, who shall have usually resided within the said town for the space of three months previous to the first day of August annually, and who do not own any lot or lots therein shall likewise be considered as being liable to pay taxes, and shall be taxed accordingly at the discretion of the commissioners, in any sum not exceeding eight shillings yearly. And in order that a just and accurate list of all persons by this, and of all property by the before recited act liable to be assessed may be obtained:*

IV. *Be it further enacted, by the authority aforesaid, that the court of Edgecombe county, on application of the commissioners of the said town, shall yearly appoint some Justice of the Peace of the county aforesaid, who shall between the first and last days of June in each and every year, receive from the inhabitants of the said town, true and accurate lists on oath of all the polls and property to them belonging, which by this and the act, entitled, "an act for the regulation of the town of Tarborough," are made liable to taxation; and shall make return of such lists under his hand and seal, to the board of commissioners at their first meeting which shall happen after the first day of July in each year; and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise have been liable. And for the due collection of the taxes arising in virtue of this and the before recited act:*

V. *Be it further enacted, that the commissioners shall appoint some person, properly qualified, collector, allowing him such commissions as to them shall seem adequate and just; and it is hereby further declared that all taxes and rents which shall become due in virtue of this and the before recited act, shall be collected and accounted for annual-*

is on or before the first day of November in each year; and in case of the failure or refusal of any person to pay the same, the collector shall and he is hereby authorized to sell at public vendue, so much of the personal property of such person so failing or refusing as will be sufficient to discharge the sum for which he or she shall have become liable, governing himself by the rules of law prescribed for collectors of public taxes.

VII. *And be it further enacted*, that any person owning a lot or lots in the said town, and who has no personal property to be found in the county aforesaid, who shall fail for the space of twelve months to pay the tax for which he may have become liable, the commissioners shall and they are hereby directed to sell one of such lots, at public vendue, to the highest bidder, for ready money, and grant a deed for the same; first advertising such lot for the space of six months in the North Carolina Gazette, and after deducting the tax and other expenses which may have accrued in consequence of such advertisement and sale, shall pay the balance on application to the person entitled to receive it.

And whereas it is found necessary that the inhabitants of the town of Tarborough should be compelled to work in the streets thereof more than twelve days in the year, and it being likewise necessary the law should clearly point out all such persons who may be so compelled:

VIII. *Be it therefore enacted*, that for the future all persons liable to work on the streets of the town of Tarborough, may be compelled to work thereon any number of days not exceeding twenty-four in one year; and that each and every free male between the ages of eighteen and fifty years, who shall have usually resided within the limits of the said town for the space of thirty days previous to any day set apart for working on the streets thereof, shall and he is hereby declared to be liable to work thereon, and shall work accordingly or furnish a sufficient substitute in his stead; and that all male slaves of sixteen years old and upwards, who usually reside within the said town, shall be considered as being liable to work on the streets thereof, and shall work accordingly, under the like pains and penalties as free men in case of neglect or refusal, to be recovered of their proper owner or the person having them in possession.

VIII. *And be it further enacted*, that each and every male inhabitant of the said town, as well servants and slaves as freemen, shall henceforth be considered as exempt from working on the public roads during the time they shall continue inhabitants as aforesaid, but shall work on the streets of the said town only. *Provided always*, that any thing herein contained shall not exempt the inhabitants of the said town from being liable to work on the river.

IX. *And be it further enacted by the authority aforesaid*, that the fourth, fifth, sixth, seventh, eighth, ninth and tenth clauses or sections of an act of the last General Assembly, entitled, "*An act for the regulation of the town of Tarborough*," be and the same are hereby repealed and made void. *Provided*, that nothing herein contained shall be construed to prevent or hinder the collection of the tax on the inhabitants of the town of Tarborough for the year one thousand seven hundred and eighty-six, as provided for by the before recited act.

CHAP. LII. *An act for empowering the court of Chatham county to adjourn to the town of Pittsborough in said county.*
WHEREAS by an act of the present General Assembly a town is established in the county of Chatham by the name of Pittsborough, and it hath been represented that by holding the courts of said county at Pittsborough aforesaid, will greatly relieve the people who have business depending in said court, as well as those who are by law obliged to attend all other public meetings:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, that the justices of the said court of Chatham be, and are hereby authorized and empowered to adjourn to the said town of Pittsborough at any time they shall think proper; to which place all matters and things in the said court depending are hereby declared to stand adjourned agreeable to the adjournment of the said court.

II. *And be it further enacted by the authority aforesaid*, that all and every act, or part of an act, for holding the courts of said county at any other place, shall from and after the passing of this act be repealed and made void.

CHAP. LIII. *An act erecting a town on the lands of Matthew Figures in Northampton county, on the south side of Meherrin river.*

WHEREAS it is represented to this General Assembly that the lands of Matthew Figures, on the south side of Meherrin river, is a healthy pleasant situation, conveniently situated for trade; and the said Matthew Figures having signified his consent to have one hundred acres of said land laid off for a town and town common;

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority thereof*, that the said one hundred acres of land be, and is hereby constituted and established a town, and shall be called by the name of Princeton.

II. *And be it further enacted, by the authority aforesaid*, that Howel Edmonds, James Vaughan, Matthew Figures, Nehemiah Long, Nicholas Edmonds, Henry Deperry and Benjamin Cokely, or a majority of them, be and they are hereby constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in the said lands aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners or a majority of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on the said river adjoining said town for a public landing as they shall think necessary, and shall lay off seventy-five acres of said lands into streets, squares and one acre lots each, and cause a plan thereof to be made, receive subscriptions to the amount of five pounds for each lot, which shall be paid to Matthew

Figures the proprietors thereof as full compensation for said lands; and the residue of said lands except the acre which shall be reserved for a public ware-house, shall forever remain a town common; and the said commissioners or a majority of them, shall appoint and give public notice thereof for meeting the subscribers on the said land for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the commissioners at least; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the plan of the said town; and the said commissioners or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, at the proper costs and charges of the said grantees or grantees thereof the same shall be conveyed; and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

And for continuing the succession of the said commissioners:

III. *Be it enacted*, that in case of death, refusal to act, or removal out of the State of any of the commissioners, the surviving or other commissioners or a majority of them, shall assemble, and shall from time to time by instrument in writing under their hands and seals, nominate some other person being a freeholder of said town, only the place of him so dying, refusing to act or removing as aforesaid, which new commissioners so appointed shall be vested with the same authorities as those expressly named in this act.

CHAP. LV. *An act for altering the names of Walter Hogg and Gavin Hogg to those of Walter Alves and Gavin Alves, to the names of James Mason to that of James Alston, and the name of Jonathan Ballinger to that of Jonathan Parker, &c.*

WHEREAS it is the earnest request of James Hogg, of Orange county, that his sons, Walter Hogg and Gavin Hogg, should hereafter be called and known by the names of Walter Alves and Gavin Alves, and of the persons mentioned in the said title, that their names should be altered as therein set forth:

I. *Be it therefore enacted*, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act, the names of Walter Hogg and Gavin Hogg shall be altered to the names of Walter Alves and Gavin Alves, the name of James Mason to the name of James Alston, and the name of Jonathan Ballinger to the name of Jonathan Parker; and that they shall thenceforth be called and known by the said names; and that by the said names respectively, they shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or other way, and they may by their respective names aforesaid sell and dispose of lands or other property, already or hereafter to be acquired; and finally in all things the said persons respectively, shall be able and capable in law or equity of negotiating and transacting all manner of business by the respective names herein before mentioned, in as full and ample manners as if they had been called and known by no other names from the time of their nativity; any law, custom or usage to the contrary notwithstanding.

CHAP. LVI. *An act to enable the executors of Robert Hogg, deceased, to maintain and defend suits under the regulations therein mentioned.*

Having been represented and proved to the Assembly that Samuel Campbell, formerly one of the copartnership of Hogg and Campbell, while he was a citizen of this State and before he withdrew from it, did assign and let over for a good and valuable consideration all his right, title, claim, interest and demand to all and every part of the profits of and debts due to said copartnership, to James Hogg, one of the executors and devisees of the said Robert; and whereas the said Samuel, by withdrawing from his allegiance to this State, has become disabled by himself or by others to bring suits in his own name; and whereas by the death of the said Robert, the only mode of maintaining suits for the recovery of debts due to the said copartnership agreeable to the laws now in force, must be in the name of Samuel Campbell, surviving copartner of Hogg and Campbell; and whereas thereby the executors of the said Robert Hogg are utterly prevented from recovering the just debts due to the said copartnership to assigned, and are hereby disabled to carry the will of the deceased Robert into execution and to pay his just creditors:

I. *Be it therefore enacted* by the General Assembly, and it is hereby enacted by the authority of the same, that William Hooper, James Hogg and James Burges, be and they are hereby authorized and empowered to maintain suits, as well in law as equity, in the names of themselves, styling themselves executors of Robert Hogg, deceased; and in the names of the survivors or survivor of them, for all monies due and owing to the said copartnership, and upon the breach of all contracts heretofore made or to be made on default of such conditions to be made or done to the said copartnership, and in their own names and as executors aforesaid, to sue, prosecute and defend all and every suit, both in law and equity, for and on account of said copartnership, to have recoveries in the same manner, as fully and amply to every intent and purpose, as he the said Samuel Campbell in his own name could, if he had remained until this time a good, true and faithful citizen of this State, and had never assigned his interest in the copartnership to the said James Hogg or any other person whatsoever; any law, custom or usage to the contrary notwithstanding. *Provided* nevertheless, that nothing in this law contained, shall be construed to extend to bar or relinquish any claim which this State has or may have to all or part of the property of the said Samuel Campbell.

CHAP. LVII. *An act for the inspection of tobacco at Anson court-house.*

WHEREAS it may be beneficial to the inhabitants of Anson county, that an inspection of tobacco should be established at the court-house thereof:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that the county court of Anson shall annually appoint two discreet and careful men, who reside contiguous to the court house aforesaid, and are well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy seven, entitled, "*An act to amend the staple of tobacco and prevent frauds*," the same to be subject to inspection at the place of shipping. N. C. L. 2, 1777, p. 337.

II. *And be it further enacted,* that the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for every hoghead, and the sum of one shilling for every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto.

CHAP. LVIII. *An act to emancipate Hannah, alias Hannah Bowers, a person of mixed blood, belonging to the estate of the late Alexander Gasson, deceased.*

WHEREAS it appears to this General Assembly, that the late Alexander Gasson, of the town of Newbern, did in his life time frequently express a desire that the said girl Hannah should be set free, and did certify the same in his own hand writing, which certificate has been since found among the papers of the deceased: and whereas the widow of the said Alexander Gasson has also signified her desire that the said girl should in compliance with her husband's wishes in his lifetime to be let free:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* that the said mulatto girl called Hannah, alias Hannah Bowers, shall be, and is hereby declared to be emancipated and made free to all intents and purposes, and shall be entitled to all the privileges and benefits of a free person, in as full and absolute manner, as if she the said Hannah had been born of a free woman.

CHAP. LIX. *An act for establishing a town on the lands of William Murfree, on Meherrin river, in the county of Hertford.*

WHEREAS it has been represented to the General Assembly, that on the lands of William Murfree, at Murfree's landing, on Meherrin river, there is a very proper situation for a town; that the place is remarkably healthy, and convenient to a country which produces large supplies of tobacco, naval stores, corn, pork and lumber for exportation, and that the convenience for shipping produce at this landing, is greatly superior to what is generally found at other landings; and whereas a great number of citizens of this State, inhabitants of the counties of Hertford, Northampton, Halifax, Warren, Edgecombe, Bertie, Gates and Chowan, have prayed that a town may be erected at this place, and William Murfree, the proprietor of the soil, hath consented that ninety seven acres of the land adjoining to the river, which has been surveyed and laid off, shall be appropriated to this use:

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that the said ninety seven acres of land shall be laid out in lots of half an acre, with convenient streets, and the same are hereby constituted and established a town, and shall be called by the name of Murfreeborough.

II. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, William Murfree, Patrick Redmond Hockett, William Vaughan and John Parker, be, and they and every of them be constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate in fee simple in the said ninety seven acres of land as aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Meherrin river adjoining the said town for a public landing where they may think most convenient and necessary.

III. *And be it further enacted by the authority aforesaid,* that the said commissioners shall prepare a regular plan of the town, with its streets and lots, the lots being numbered, and they shall appoint a time by public notice for the meeting of the subscribers for said lots on the premises, when and where they shall determine the property of each particular lot by ballot, which shall be drawn in a fair manner, by direction of and in the presence of a majority of the commissioners, and such of the subscribers as chuse to attend; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the town; and the said commissioners or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper costs and charges of the said grantees or grantees, to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

IV. *And be it further enacted by the authority aforesaid,* that the respective subscribers for the said lots, shall within three months after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned.

ed, pay and satisfy to the said commissioners, the sum of nine pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.

And for continuing the succession of the commissioners:

V. *Be it enacted*, that in case of death, refusal to act, or removal out of the state of any of the said commissioners, the surviving or other commissioners or a majority of them, shall assemble, and shall from time to time by an instrument of writing under their respective hands and seals, nominate some other person being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act or removing out of the state, which new commissioner so nominated and appointed shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this act.

CHAP. LX. *An act for the inspection of tobacco at Joseph Green's, in Wayne county.*

WHEREAS it may be beneficial to the planters of tobacco in and adjacent to the county of Wayne, that an inspection of that commodity should be established in said county: And whereas the inhabitants of the same have at their own expence erected and finished a convenient house at Spring bank, on Neuse River, where Joseph Green now lives in said county of Wayne, for the purpose of storing tobacco:

I. *Be it therefore enacted*, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the county court of Wayne shall appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "*an act to amend the staple of tobacco and prevent frauds.*" N. C. L. 2, 1777, p. 337.

II. *And be it further enacted*, by the authority aforesaid, that the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for each and every hoghead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto.

III. *And be it further enacted* by the authority aforesaid, that all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection within this state.

CHAP. LXI. *An act for enabling certain persons to perfect a canal between Scuppernong river and the lake near its head.*

WHEREAS it has been represented to this General Assembly by Josiah Collins, Nathaniel Allen, and Samuel Dickenson, Esquires, that they are at a great expence cutting a canal from Scuppernong river to the lake of that name, a distance of six miles, by which they expect to be enabled to reduce the waters in the lake to drain a vast quantity of fertile land, and the same to water at pleasure, by which means they may greatly promote the culture of hemp and rice and consequently the commerce and revenue of this state: and whereas the said Collins, Allen and Dickenson have represented that there is some land in the necessary course of the canal, which is suspected to belong to an orphan, and other land whose owner is not perfectly known, and that some impediments may arise from such causes to the prosecution of their design: and whereas it is the desire of this legislature to promote every useful undertaking.

I. *Be it enacted* by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for Josiah Collins, Nathaniel Allen and Samuel Dickenson, and their heirs and assigns, to carry on the canal which they have lately began from Scuppernong river by the most direct or convenient course to Scuppernong lake. *Provided*, they do not injure any useful improvements. And whereas it may so happen, that the necessary course of the canal may pass through the lands of persons under the age of twenty-one years, or through some tract the title of which may be disputable, and others may refuse to sell and dispose of a quantity sufficient for the passage of the said canal:

II. *Be it therefore enacted*, by the authority aforesaid, that when the direct and necessary course of the said canal shall pass through the lands of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, that it shall and may be lawful for the said Josiah Collins, Nathaniel Allen, and Samuel Dickenson, their heirs or assigns, to exhibit their petition to the county court wherein the land lieth, setting forth the owner or claimant of the said lands, and the quantity required for the passage of the said canal, whereupon the court shall order the surveyor of the county, with six honest freeholders by them appointed, to view, lay off and value on oath, as much of the said land as shall be sufficient for the passage of the said canal, that is to say, they shall estimate the value of a section or small strip of such land of the breadth of eighty feet, and of the necessary length according as the canal may pass, and they shall consider what damage the tract of land in question may sustain by the cutting a canal through it in the manner proposed; and shall determine what sum of money the owner or owners of the soil ought to receive from the proprietors of the canal, which shall be returned under their hands and seals. *Provided nevertheless*, that the said owner or owners, or guardians, shall have such reasonable notice of such petition, and order as the court shall deem necessary, to attend at such survey and valuation. *And provided also*, that the passage of the said canal shall not interfere with or take away houses, orchards or a-

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ther improved conveniences: and the petitioners shall pay down in court for the lands so laid off and obtained, the valuation money, and procure a record to be made thereof, which shall be a good and effectual seizin in law to create to the said petitioners their heirs and assigns, a fee simple in such lands; and the monies when paid into court, shall be received by the clerk and paid to the owner or owners, or guardian or guardians in case of infants: *And provided nevertheless*, that the said canal shall be cut and finished within seven years, otherwise such land so laid off shall revert to the original owner or owners or their assigns; any thing herein contained to the contrary notwithstanding.

CHAP. LXII. *An additional act to an act, entitled, an act to prevent the several species of hunting therein mentioned. N. C. L. 1, 1784, 33, p. 507.*

WHEREAS many persons are guilty of a species of hunting in the county of Guilford, much to the prejudice of many of the good people of said county:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act, if any person or persons shall be found setting or watching in the night-time at licks, or at any pass where deer usually cross, with gun or other fire arms, in the said county of Guilford on conviction thereof, he or they so offending shall forfeit and pay the sum of forty shillings with cost, to be recovered before any Justice for said county where such offence shall be committed, one half to the informer, the other half to the use of the county: *Provided nevertheless*, that nothing herein contained shall be construed so as to prevent persons hunting within their own enclosures by fire light or otherwise.

CHAP. LXIII. *An act to empower the wardens of the poor in the county of Granville to sell the glebe in said county.*

WHEREAS the said glebe hath for some years past been rented out by the wardens of the poor of the county aforesaid, and the monies arising therefrom hath been insufficient to the repairing of the buildings on the same, by which means they are impaired:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the wardens of the poor in the said county, are hereby authorized and empowered to sell and dispose of the said glebe and lands thereunto belonging for eighteen months credit, the purchaser giving bond with sufficient sureties for the payment of the purchase money, first giving one month's previous notice of the day of sale, and the monies arising from such sale, shall be appropriated to the use of the said county of Granville; any law to the contrary notwithstanding.

CHAP. LXIV. *An act for erecting an academy at the town of Warrenton in the district of Halifax.*

WHEREAS it is necessary, especially in republican governments, to hold forth every possible opportunity and encouragement to liberal education:

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that an academy be erected and established for the education of youth, under the name, stile and title of the Warrenton academy.

II. *And be it further enacted by the authority aforesaid*, that the Rev. Henry Patillo, William R. Davie, Benjamin Hawkins, Nathaniel Macon, Philemon Hawkins, William Johnson, William Duke, Edward Jones, James Miller, Philemon Hawkins, jun. of Granville, John Macon, Wyatt Hawkins, Thomas Person, Thomas Eaton, William Green, John Hawkins, James Johnson, James Gloster Brehon, Nicholas Long and Willie Jones, Esquires, and they and their successors to be elected in manner herein after directed, shall for ever be a body politic and corporate in deed and in name, by the stile of the trustees of the Warrenton academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature, quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all Judges and Justices whatsoever, in all actions, pleas, complaints and demands, and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person or body politic or corporate can or may by law: that they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. *And be it further enacted, by the authority aforesaid*, that the said trustees, or any seven of them, shall have full power and authority to meet at all times when they shall think proper at Warrenton aforesaid, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, refusal to act, resignation or removal out of the State of any of its members; and the persons appointed to fill such vacancies, shall be and they are hereby declared to have the same power and privileges as the trustees named in and by this act.

IV. *And be it further enacted by the authority aforesaid*, that the said trustees or a majority of them, be and they are hereby authorized and empowered to convene at *Warrenton* at any time after the passing of this act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustee named in and by this act; and such president, and the trustees or their successors, or any seven of them, at all other times thereafter when met together in the said town of *Warrenton*, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward, and also to make and ordain such laws, rules and regulations not repugnant to or inconsistent with the laws and constitution of this state, for the well ordering and governing the students, their morals, studies and academical exercises, as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge, in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue. *Provided*, that they shall not on any account grant degrees or titles, such as bachelor or master of arts, or doctor in any faculty.

V. *And be it further enacted, by the authority aforesaid*, that the said trustees or a majority of them are hereby authorized and declared to have power to remove or displace the president, professors or tutors, the secretary, treasurer or steward, or any of them, if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

VI. *And be it further enacted by the authority aforesaid*, that every treasurer appointed by the trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of five thousand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his office and the trust reposed in him; and that all monies and chattles belonging to the said corporation, which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office; and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattles in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from the sheriffs or other persons chargeable with public monies.

VII. & VIII. *Obsolete.*

IX. *And be it enacted*, that nothing herein contained shall be construed so as to make this one of the academies mentioned in the constitution of this state.

CHAP. LXVI. *An act to enable William Moore, late sheriff of Burke county, to collect all the taxes due from the said county for the year one thousand seven hundred and eighty five, and to allow him a further time for settling for his collections with the treasurer.*

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that William Moore, late sheriff of Burke county, shall be allowed until the first day of May next, to settle for his collections of public taxes due for the year one thousand seven hundred and eighty five with the treasurer of this state, and in the mean time the treasurer shall forbear to commence any action for such collection, and to suspend the progress of all such as have been already brought for said taxes, against the said Moore.

II. *And be it further enacted*, that the said Moore shall be, and he is hereby authorized to collect all the said taxes yet due for the year aforesaid, from the inhabitants of the said county, and to that end shall have and be invested with the same powers and authorities, as to the collection of and distraining for the same, as collectors of public taxes are invested with by the laws of this state, and shall be allowed for such collection and payment of the monies into the public treasury, on or before the said first day of May next, a commission of two and an half per cent.

CHAP. LXVII. *An act for establishing an academy at the place heretofore called Martinborough, in the county of Pitt; and for altering the name of Martinborough to that of Greenville.*

WHEREAS liberal subscriptions have been made, and a prospect of considerable additions towards establishing a seminary of learning at Greenville, lately called Martinborough, in the county of Pitt: and whereas the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the legislature:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that an academy be erected and established at Greenville, in Pitt county, for the education of youth, under the name and stile of the Pitt academy.

II. *And be it further enacted, by the authority aforesaid*, that Richard Caswell, Hugh Williamson, William Ekwant, John Simpson, James Armstrong, James Cortlaw, John Hawkes, John Williams, Robert Williams, Arthur Forbes, Benjamin Moy, John Moy and Reading Blount, and they and their successors to be elected in manner herein after directed, shall for ever be a body politic and corporate in deed and in name, by the stile of the trustees of the Pitt academy.

and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature, quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all Judges and Justices whatsoever, in all actions, pleas, plaints and demands, and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels, and to act and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person or body politic or corporate can or may by law; that they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. *And be it further enacted, by the authority aforesaid,* that the said trustees, or any five or more of them, shall have full power and authority to meet at all times when they shall think proper at the said academy, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, refusal to act, resignation or removal out of the state of any of its members; and the persons appointed to fill such vacancies, shall be and they are hereby declared to have the same power and privilege as the trustees named in and by this act.

IV. *And be it further enacted, by the authority aforesaid,* that the said trustees or a majority of them, be and they are hereby authorized and empowered to convene at *Greensville*, on the first *Monday* in *April* next after the passing of this act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustee named in and by this act; and such president, and the trustees or their successors, or any five or more of them, at all other times thereafter when met together at *Greensville*, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward; and also to make and ordain such laws, rules and regulations as are not repugnant to or inconsistent with the laws of this state, for the well ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge, in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue. *Provided*, that nothing herein contained shall be construed so as to authorize the said trustees to grant degrees of either bachelor or master of arts, or of doctor in any faculty.

V. *And be it further enacted, by the authority aforesaid,* that the said trustees or a majority of them are hereby authorized and declared to have power to remove or displace the professors or tutors, the secretary, treasurer and steward, or any of them, if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

VI. *And be it further enacted, by the authority aforesaid,* that every treasurer appointed by the trustees aforesaid, shall previous to his entering upon his office, enter into bond in the sum of one thousand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his said office and the trust reposed in him; and that all monies and chattels belonging to the said corporation, which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office; and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from sheriffs or other persons chargeable with public monies.

VII. *And be it further enacted, by the authority aforesaid,* that nothing in this act shall be construed to prevent the trustees from distinguishing his public hall or their library by the name of such persons, who may within two years from the said first *Monday* in *April* next make the most liberal donations to the said academy: *Provided nevertheless*, that this seminary shall not be construed one of those mentioned or intended by the constitution.

VIII. *And be it further enacted by the authority aforesaid,* that the said town heretofore known and called by the name of *Martinborough*, shall be hereafter called by the name of *Greensville*; and that all laws which respect the said town by the first mentioned name, and all records and proceedings of whatever nature which have been heretofore made, had or done under the said first mentioned name, shall be to all intents and purposes as valid and effectual in law, as if the name of the said town had not been changed; any usage or custom to the contrary notwithstanding.

CHAP. LXVIII. *An act for the promotion of learning in the county of Chatham.*

WHEREAS the establishing an academy in the laid county for the education of youth will be attended with many advantages, and being an healthy situation and provisions cheap, students may be genteely accomodated at a moderate expence; and some provision being already made for such an institution.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that doctor James White, John Williams, attorney at law of Chatham, James Anderson, George Lucas, Matthew Jones, John Montgomery, John Taylor, Patrick St. Lawrence, doctor James Servant Jones, and Ambrose Ramsey, Esquire, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of *Pittsburgh academy*, shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, and their successors or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors for ever, any lands, rents, tenements or hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said academy, building or purchasing a convenient house, purchasing a library and philosophical apparatus, and supporting and paying the salaries of such number of professors and tutors as to them shall seem necessary.

II. *And be it further enacted, by the authority aforesaid,* that the said trustees or a majority of them, shall and they are hereby authorised to choose a president, treasurer and secretary out of their own body; they may also choose professors and tutors for the academy, and the same may remove at pleasure; and they shall have authority to make bye laws for the government and regulation of the academy, and the same to alter and amend. *Provided nevertheless,* that such laws shall not be repugnant to the laws of this state, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress of useful knowledge; and further, that on death, resignation, refusal to act or misconduct, of either professors or tutors, the secretary, treasurer or steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

III. *And be it further enacted, by the authority aforesaid,* that the treasurer of the said board of trustees shall enter into bond and security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from sheriffs or other public officers.

IV. *And be it further enacted, by the authority aforesaid,* that if any trustee shall neglect attending at the stated meetings of the board for the space of two years, or if any of them shall die or otherwise resign his office, the remaining trustees or a majority of them, shall at their next meeting choose another trustee in the room of the person thus neglecting his duty, dying or resigning his office.

V. *And be it further enacted, by the authority aforesaid,* that the trustees by this act appointed or a majority of them, shall meet annually on the first Monday in February in each and every year, or at any other time they may think more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary. *Provided always,* that he shall give ten days previous notice of such meetings; and that the president and treasurer shall be chosen on the said first Monday in February unless in cases of unavoidable accidents. *Provided,* that nothing herein contained shall be construed or understood so as to make the academy hereby established, one of those mentioned in the constitution of this state.

CHAP. LXIX. *An act to vest in trustees certain powers for the benefit of Elizabeth Torrens and her children.*

WHEREAS the court of pleas and quarter sessions for Dobbs county hath been pleased to grant for the benefit of Elizabeth Torrens and her children, a certain portion of real and personal estate of Thomas Torrens, suggested to have been confiscated, and the order of the said court not having been sufficiently explicit in declaration of the use or appointing the trust; to prevent inconveniency and confusion that may therefrom arise:

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that James Kenan, John Molton, and James Sampson, be and they are hereby appointed trustees for the purposes of laying off one third part of the personal estate granted as aforesaid, for the sole benefit of Elizabeth Torrens, the remainder to be for the sole benefit of her children. And the said Elizabeth having relinquished her right in the lands granted as aforesaid to her children.

II. *Be it further enacted,* that the said trustees shall have power and authority so to use the same as to them may seem most fitting to promote their improvements for the benefit of the said children; or if it should appear to them conducive to the advantage of their trust, to sell the said lands for the purchase of others of greater or equal worth to the said children.

III. *And be it further enacted, by the authority aforesaid,* that the trustees aforesaid or a majority of them, before

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entering on the execution of their trust, shall take the following oath, viz. "I A. B. having been appointed by the General Assembly a trustee for the purpose of managing the estate real and personal granted by the court of pleas and quarter sessions of Dobbs county, for the use of Elizabeth Torrens and her children, do swear that I will truly, faithfully and impartially manage the same, agreeably to the powers in me vested, according to the best of my knowledge and ability. So help me God."

IV. And be it further enacted by the authority aforesaid, that the said trustees before entering into the execution of the said trust, shall enter into a joint and several bond to the chairman of Duplin court, in the sum of five thousand pounds for the use of Elizabeth Torrens and her children, to be void on condition of the equitable discharge of their said trust, and shall make return of all their proceedings to the said court of Duplin, which is hereby declared to have such superintending powers in the premises over the proceedings of the said trustees as they exercise in cases of orphans guardians.

CHAP. LXX. An act for cutting a canal from Currituck sound to the Indian Ridge, and from thence to the head of North river, or as far as the commissioners herein named shall think proper.

I. BE it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Thomas Troughshands, William Maund, Thomas Mercer, sen. Hillery Simmons, William Ferebe, James Dauge and Joseph Ferebe, be and they are hereby authorized and appointed commissioners to lay off and cut a canal, beginning at the sound side near Currituck court house, from thence a straight course as near as possible to the Indian ridge to intersect the new road that leads to Camden county, from thence to the North river nearly as the said road runs, or as the aforesaid commissioners shall think proper.

II. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the above mentioned commissioners to sue for and receive all sums of money that is or hereafter may be subscribed for the purpose of cutting the said canal.

III. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, and they are hereby authorized and empowered, to cut the said canal through the land of any person being a subscriber to the same, where it shall be necessary to carry the same; any law, usage or custom to the contrary notwithstanding: Provided nevertheless, that all damages occasioned by cutting the said canal through the lands of any person, shall be valued by the county court, or three freeholders on oath, to be chosen by the court, which value shall be paid to the proprietors of such land by the commissioners before mentioned.

IV. And be it further enacted by the authority aforesaid, that it shall not be lawful for any person or persons whatsoever, to cut any ditch or canal into the aforesaid canal without the consent of the commissioners aforesaid, or a majority of them, under the penalty of one hundred pounds, to be recovered by the said commissioners, before any court of record having cognizance thereof, and to be by them applied to the purpose of keeping in repair the aforesaid canal.

V. And be it further enacted, by the authority aforesaid, that the county court of Currituck shall have full power and authority to levy a toll on all persons passing in the said canal or on the banks thereof, which toll shall be collected by the commissioners aforesaid, and applied to the purpose of keeping in repair the aforesaid canal; and if there should be any surplus, the same shall be distributed amongst the subscribers in proportion to each subscription.

CHAP. LXXI. An act empowering commissioners to dispose of the lands and glebe the property of St. John's parish, formerly of the county of Bute, now in Franklin.

WHEREAS in the building of the glebe aforesaid there is yet a balance due Robert Goodlor, Elquire, which ought to have been paid before the division of Bute county: and whereas by the purchase of the aforesaid glebe, it is considered to be the property of Warren and Franklin, and is now become of no use to either county:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that Bennet Hill, Edward Jones and William Ranson, or any two of them, be and they are hereby appointed commissioners, with full power and authority to sell the lands and glebe aforesaid upon eighteen months credit, the purchaser giving bond and security for the faithful performance thereof, the commissioners first giving three months public notice of such sale, by advertisement at the court-houses of Warren and Franklin aforesaid.

II. And be it further enacted, that the commissioners appointed by this act, shall previous to the entering on the business hereby intended, give bond and security to the presiding Justice of either the aforesaid counties in a bond of two thousand pounds, for the faithful application of the monies arising from such sale, in the manner as is hereafter directed.

III. And be it further enacted, that the commissioners aforesaid shall, after their collecting the monies arising from such sale aforesaid, first pay unto Robert Goodlor his just demands against the parish aforesaid for building the aforesaid glebe, and the residue shall be paid one half to the county court of Franklin, and the other half to the county court of Warren, to be by them applied towards lessening the taxes of the aforesaid counties.

CHAP. LXXII. *An act to vest the title of a piece or parcel of land lying in Jones county, in Howell Brown and his heirs, in fee simple.*

WHEREAS it appears to the satisfaction of this General Assembly that *Howell Brown*, of *Jones county*, on the eighteenth day of *December*, in the year of our lord one thousand seven hundred and seventy nine, did purchase of *Durham Leigh* of *Duplin county*, a certain piece or parcel of land lying in *Jones county* on the west side of *Joshua's creek*, containing two hundred acres, butted and bounded as follows, to wit, beginning at a gum in the edge of said creek near *Elisha Blackshear's* line, and runs with his line north seventy-two degrees west one hundred and fifty four poles to his corner white oak, then north eighty degrees west ten poles to *Benjamin Fortson's* corner dogwood, then with his line north sixty-three degrees west forty four poles, then north four degrees east one hundred and sixty poles, then north eighty-nine degrees east seventy poles to a pine in *Joseph Kinsey's* line, then with his line south thirty six degrees east eighty-eight poles to his corner pine, then with another of his lines north sixty-one degrees east fifty poles to his corner pine on the side of said creek, then with the various courses of the same to the beginning; and did in good faith pay the purchase money thereof unto the said *Durham Leigh*, who since the said purchase hath withdrawn himself from this and the United States, and attached himself to the enemies of the same; and his estate by law hath been confiscated, and hath made no assurance to the said *Howell Brown* to vest the said land in him and his heirs in fee simple:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that the said *Howell Brown* be, and is hereby invested with absolute right in fee simple and to the before recited tract or parcel of land containing two hundred acres aforesaid, in as full and ample manner as he would have been if the said *Durham Leigh* had executed to him a good and sufficient title in law for the aforesaid tract or parcel of land; any law to the contrary notwithstanding.

CHAP. LXXIV. *An act to amend an act passed at Hillsborough in the year one thousand seven hundred and eighty-two, entitled, An act to vest the title of a certain tract of land in Robert Cummins.* p. 105.

WHEREAS it is enacted by the before recited act that *Robert Cummins* of *Guilford county*, should pay into the hands of *James Martin*, *John Peasly*, and *John Gillispie*, commissioners of confiscated property for said county, or any two of them, the money due by him to *Archibald* and *John Hamilton* for the aforesaid tract of land in specie and the commissioners aforesaid to make him a good and sufficient deed of conveyance for the same; and whereas the above commissioners resigned their commissions before the said *Robert Cummins* was able to procure the specie to pay for the said tract of land:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the said *Robert Cummins* make due proof to the satisfaction of the county court of *Guilford* of the monies and interest due to the said *Archibald* and *John Hamilton* for the said land, and shall pay the same to *Charles Bruce*, commissioner of confiscated property for the district of *Salisbury*, that then and in that case the said *Charles Bruce* shall make to the said *Robert Cummins* a good and sufficient title to the said land, agreeable to the before recited act.

II. *And be it enacted*, that so much of the before recited act as comes within the purview of this act, is hereby repealed and made void.

CHAP. LXXV. *An act to appoint commissioners to carry on and finish the public buildings in the county of Anson.*

WHEREAS some of the commissioners for carrying on and finishing the court-house, prison and stocks in the county of *Anson*, are some dead, and others have removed out of the said county, without effecting the purposes for which they were appointed.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that *James Marshall*, *Stephen Pace*, *Jonathan Jackson*, and *Theodorick Webb*, be, and they are hereby appointed commissioners to carry on and finish the court-house, prison and stocks in the said county, in the same manner and under the same regulations and restrictions that the former commissioners were bound to do the same, they first giving bond and security to the court of *Anson* in the sum of five hundred pounds, conditioned for the faithful discharge of the duties enjoined by this act.

II. *And be it further enacted, by the authority aforesaid*, that the commissioners by this act appointed shall have full power and authority to demand and receive all sums of money which have been levied for the purpose of erecting the aforesaid buildings, from any person or persons who may have collected or received the same, and failed to apply it to the purposes for which the same was levied; and in case they shall fail or neglect to pay the same, the commissioners by this act appointed are hereby authorized to enter up judgment against such persons; for the balances they may respectively owe, in the same manner that the public treasurer is directed to enter up judgment against delinquent sheriffs.

CHAP. LXXVI. *An act for establishing a town on the lands of Andrew Bass.*

WHEREAS it is represented to this General Assembly that a town on the lands of *Andrew Bass*, on the north side of *Neuse river* in *Wayne county*, where the court-house and other public buildings now stand, would tend to

the promotion of commerce, and the ease and convenience of the inhabitants of said county in attending courts and other public business; and the said *Andrew Bass* having signified his assent by a certificate under his hand, to have sixty acres of said land laid off for a town and fifteen for commons.

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that the directors or trustees hereafter appointed, or a majority of them, shall as soon as may be after the passing of this act, cause seventy-five acres of the land aforesaid to be laid off in lots of half an acre each, with convenient streets, lanes and alleys; which lots so laid off according to the directions of this act, are hereby constituted and erected a town and shall be called by the name of *Wanesborough*.

II. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, *William McKinnic, sen. Burwell Mooring, William Whitfield, Joseph Green, William Whitfield, jun. David Jernegan, jun. Richard Bass, William McKinnic, jun. and William Fellows,* be and they are hereby constituted directors and trustees for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple of the said seventy-five acres of land to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them, and when the said directors shall have taken subscriptions for sixty lots or upwards, they shall appoint a day, and give public notice to the subscribers of the day and place appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner by the direction and in the presence of a majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall be drawn for him and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them, shall make and execute deeds for granting and conveying the said sixty acres of land in half acres lots as aforesaid, to the subscribers, their heirs and assigns forever, and also to every other person or persons who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee to whom the said lot or lots shall be conveyed as aforesaid; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.

III. *And be it further enacted, by the authority aforesaid,* that each respective subscriber for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said directors or any one of them, the sum of three pounds five shillings for each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit or suits for the same, and therein shall recover judgment with costs of suit; and the said directors shall as soon as they receive the said money, pay and satisfy unto the said *Andrew Bass*, his heirs or assigns, the sum of three pounds for each lot in full satisfaction for the said lands, and the remainder in their hands shall be applied towards defraying the expenses of laying off and improving the said town, in such manner as a majority of the directors shall think proper. And for continuing the succession of the said directors until the said town shall be incorporated:

IV. *Be it enacted by the authority aforesaid,* that in case of the death, refusal to act or removal out of the county of any of the said directors, the surviving directors, or a majority of them, shall assemble and are hereby empowered from time to time by instrument of writing under their respective hands and seals to nominate some other person being a freeholder in said town, in the place of him so dying, refusing to act or removing out of the county, which a new director so nominated and appointed, shall from thenceforth have the same powers and authorities in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act. *Provided nevertheless,* that the said *Andrew Bass* shall have to his own use a reserve of three lots of his own choosing, which choice shall be made previous to the day of balloting for the said lots.

V. *And be it further enacted by the authority aforesaid,* that the directors shall have full power and authority to pull down any chimney built of wood in the said town, or any piazza, or any other building of any kind whatsoever that may be made on any street, lane or alley in said town; or prevent stock of all kinds whatsoever from running at large, so as to interrupt any of the said streets, lanes or alleys, as a majority of them shall think proper.

VI. *And be it enacted by the authority aforesaid,* that the three acres of land formerly conveyed for the purpose of building a court-house, prison and stocks, be part of the aforesaid sixty acres, and under the same rules and restrictions, except one lot where the court-house now stands in said town, and one other where the commissioners for building the court-house, prison and stocks may think necessary to build the prison and stocks on.

CHAP. LXXVII. An act to erect and establish an academy in the county of Franklin.

WHEREAS the establishing an academy in the said county for the education of youth will be attended with great advantage to the state in general, and the county of Franklin in particular:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that *doctor John King, William Lancaster, Josiah Love, Benjamin Seawell, Robert Goodlow, Robert Bell, Jordan Hill, Francis Taylor, Hugh Hays, William Green, Thomas Stoker and doctor William Varet, Esquires,* be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and

possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy in the town of *Lewisburg* in the county aforesaid by the name of *Franklin academy*, and the said trustees and their successors shall be able and capable in law to ask for and demand, receive and possess of the several subscribers all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said trustees or a majority of them towards paying for the house already contracted for to be erected in the said town, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy, and the promotion of learning therein.

II. *And be it further enacted, by the authority aforesaid, that the trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed by this act, give bond to the court of the county, payable to the chairman and his successor, in the sum of one thousand pounds specie, with condition that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this act for the purposes aforesaid.*

III. *And be it further enacted, by the authority aforesaid, that if any of the trustees by this act appointed shall die, refuse to act or remove away, that he cannot attend the duties of his appointment, the remaining trustees may appoint another or others in his or their stead, who shall exercise the same powers as trustees appointed by this act, and when met together in said town shall have power and authority to elect and constitute one or more tutor or tutors and a treasurer, and also to make and ordain such rules and regulations not repugnant to the laws of this state for the well ordering of the students, their morals, studies and academical exercises as to them shall seem meet, and to give certificates to such students as shall leave said academy certifying their literary merit; Provided, they shall not on any account confer any degrees such as bachelor or master of arts, or doctor in any faculty; in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said trustees or a majority of them are hereby empowered and shall have lawful authority to remove the tutor or tutors, treasurer or any of them if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.*

IV. *And be it further enacted, by the authority aforesaid, that the trustees by this act appointed or a majority of them and their successors, shall meet annually on the second Monday in December in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary. Provided always, that he shall give ten days previous notice of such meetings; and that the president and treasurer shall be chosen on the said second Monday in December unless in cases of unavoidable accident.*

V. *And be it further enacted, by the authority aforesaid, that the treasurer of the said board of trustees shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from sheriffs or other public officers.*

CHAP. LXXVIII. *An act for establishing a town on the land of Robert Burton, Esquire, in the county of Granville.*

WHEREAS it hath been represented to this General Assembly that part of the lands of *Robert Burton, Esquire*, in *Granville county*, on the great road and the fork thereof, one leading from *Petersburg* in *Virginia* to *Fayetteville*, and the other from *Halifax* to *Hillsborough* and the western parts of this state, is a high, healthy and pleasant situation, well watered with cool refreshing springs, and also well calculated for an inland manufacturing town:

I. *Be it therefore enacted by the General Assembly of this state, and it is hereby enacted by the authority of the same, that seventy-five acres of land, including the streets and lots when the same shall be laid off according to the directions of this act, be and the same is hereby constituted, erected and established a town, and shall be called *Williamsborough*.*

II. *And be it enacted by the authority aforesaid, that from and after the passing of this act, the honorable *John Williams, Esquire, Bromfield Ridley, Philemon Hawkins, jun. John Somerville, Thomas Satterwhite, Leonard Henty Bullock, Robert Burton, Howel Lewis, Thornton Yancy, Howel Lewis, jun. John Young, Robert Coleman, Samuel Smith and Thomas Muller, Esquires*, be, and they and every of them are hereby constituted directors and trustees for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee in the said seventy-five acres of land to and for the uses, purposes and intents herein expressed and declared; and they or any eight of them shall have full power and authority to meet as often as they shall think necessary, and to lay off the said seventy-five acres of land into lots on both sides of the said road, with a large commodious street of ninety feet wide passing through the said town, each lot containing one acre of land, and to be one hundred and forty eight feet in front and three hundred feet back, and cause a plan to be made and thereon insert the marks and numbers to each lot: Provided nevertheless, that nothing in this act shall be construed or extend to grant power to the said directors or their successors, to dispose of such lots within the said limits as have heretofore been sold and disposed of by the*

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said Robert Burton, nor such as he has reserved for himself and built thereon, unless the said Robert or other person to whom he has sold, shall refuse or neglect to comply with this act by building on and improving those lots so sold or reserved, as others according to the directions of this act are bound to do. And provided also, that nothing herein contained shall be construed so as to vest the property of the church in the said town and one acre of land whereon the said church is built, in the said Robert Burton or any other person or persons holding the same by, from or under him.

III. And be it further enacted, by the authority aforesaid, that the said commissioners shall cause the said town to be immediately to be laid off into lots, &c. as herein before directed, and shall and may take subscriptions of such persons as may see cause to subscribe for the same until the whole shall be subscribed for; and the directors or a majority of them shall within three months after the whole shall be subscribed for, appoint a time for the meeting of the said subscribers on the said land, for determining the property of each particular lot, which shall be done by ballot in a fair manner by the direction and in the presence of a majority of the directors at least; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, her or them, and correspond with the number contained in the plan of said town; and the directors or a majority of them, shall execute deeds for the granting and conveying the said lots to the subscribers, their heirs and assigns forever, and also to any other person or persons who shall purchase a lot or lots within the said town, at the proper cost and charges of the grantee to whom the same shall be conveyed; and any person claiming any lot or lots by such conveyance, shall and may hold and enjoy the same in fee simple. Provided nevertheless, that every grantee of any lot or lots within the said town so conveyed, shall within ten years next after the date of the conveyance of the same, erect, build and finish on each lot so conveyed, one well framed house sixteen feet square at least and ten feet pitch in the clear, or proportionable to such dimensions if such grantee shall have two or more lots contiguous, with a brick or stone chimney to such house, and if the owner or owners of such lots shall fail to pursue and comply with the directions by this act prescribed for building and finishing a house thereon, then such lot or lots on which such house or houses shall not be built and finished, shall be reverted in the said directors; and the said directors or a majority of them, may and they are hereby empowered and authorized to sell such lot or lots at public vendue for the most they will fetch, and to convey to the purchaser of such lot or lots the same, in such manner and under such restrictions as they could or might have done if such lot or lots had not before been sold or granted.

IV. And be it further enacted, that the said subscribers shall one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said directors the sum of six pounds for each lot by him, her or them subscribed for; and in case of refusal or neglect of any subscriber to pay the said sum, the said directors shall and may prosecute a suit in their name for the same, and therein recover judgment with costs of suit.

V. And be it further enacted by the authority aforesaid, that all the monies that shall arise in the first instance from the subscription for said lots, shall be paid to the said Robert Burton as a compensation for said land; and that whatever monies may arise from the sale of lots after sold for want of complying with this act in improving the same, shall be applied by the directors or a majority of them, in hiring and employing some minister of the gospel to preach to the inhabitants of the said town. And for continuing the succession of the said directors until the said town shall be incorporated:

VI. Be it further enacted, by the authority aforesaid, that in case of the death, refusal to act or removal out of the county of any of the said directors, the surviving or other directors, or a major part of them, shall assemble and are hereby empowered from time to time by instrument of writing under their respective hands and seals (which instrument shall be recorded in the court of the county) to nominate and appoint some other person or persons being an inhabitant, inhabitants, freeholder or freeholder of the said town, in the place of him or them so dying, refusing to act or removing out of the said county; which new director or directors, so nominated and appointed, shall from thenceforth have the like power and authority in all things and matters herein contained as if he or they had been expressly named and appointed by this act.

CHAP. LXXIX, An act appointing commissioners to fix on a convenient place for holding the courts of pleas and quarter sessions in the county of Washington, and for vesting the commissioners herein mentioned with full power to call out of the former commissioners hands such sums of money as may appear to be due in their hands.

I. BE it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that Benjamin Ward, Robert White, Edmond Williams, William Moore, John Hammer, Robert Love, and William Presly, or a majority of them, be and they are hereby appointed commissioners to lay off and appoint the place where the court house, prison and stocks, for the use of the said county of Washington, shall be erected or cause the same to be erected: and for defraying the expences of the said building, that the commissioners aforesaid shall have full power and authority to call all such sums of money out of the hands of the former commissioners their heirs, executors, administrators or assigns that were heretofore appointed for erecting the said buildings that hath not been applied to the use aforesaid: and perhaps there may not be a sufficient sum in their hands to complete the said buildings:

II. Be it further enacted, by the authority aforesaid, that a tax not exceeding one shilling be taxed on each poll in the said county, and four pence on each hundred acres of land for the purpose aforesaid, and that the same shall be

collected by the same persons and in the same manner as the public taxes in the said county are, and all such money so collected shall be paid into the hands of the commissioners herein named for erecting the said public buildings, and on non-payment of the tax to be collected in virtue of this act by the sheriff or other collector thereof, the said sheriff or other collector shall be liable to the same penalties as for other public taxes, and the said commissioners shall be entitled to the same mode of recovery against the said sheriff or other collector, as other public officers are entitled to have against them on non-payment of the public taxes.

III. *And be it further enacted, by the authority aforesaid, that the sheriff or other collector of the said county of Washington, is hereby empowered and directed to account for and pay the money by him collected for the purpose of building the aforesaid court-house, prison and stocks to the commissioners aforesaid, after deducting his commissions for collecting the same;*

IV. *And be it further enacted, by the authority aforesaid, that the commissioners herein before appointed, or a majority of them, are hereby empowered and directed to employ workmen to build the court-house, prison and stocks in the said county of Washington; and the courts of the said county may be held at the house of William Davis in the said county, until the court-house, prison and stocks shall be built; unless the court for the said county may think proper to adjourn to the appointed place sooner, and then all process shall be returnable agreeable to adjournment.*

V. *And be it also enacted, by the authority aforesaid, that all acts heretofore made, that come under the purview of his act, are hereby made void.*

And be it further enacted, by the authority aforesaid, that the said act, shall be in full force and effect from and after the passing of this act.

CHAP. LXXX. *An act for altering the manner of holding the annual elections for the county of Hyde.*
WHEREAS the most eastern part of the county of Hyde is at so great a distance from the place of holding elections, and a dangerous passage by water of fifty miles distance through a very rude sound, that is extremely inconvenient for the freemen in the eastwardly part to attend the elections of members for said county, whereby many persons are prevented from giving in their suffrages for persons to represent them in the General Assembly: for remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the annual elections for the said county shall be held and taken in the following manner, that is to say, the election shall begin at the house of Mr. Jefferys, at the lake landing on Mattamuskeet, the second Saturday in August in every year, and shall continue until sunset of the same day in manner by law directed, when the sheriff and the inspectors shall seal up the ballot boxes, and the third Saturday in August shall proceed with the boxes and the several lists of voters by them taken, to the court-house in the town of Woodstock, and on Saturday being the second and last day of the annual elections throughout the state, the poll shall be opened at Woodstock, the seals taken off the ballot boxes, and the election continued until sunset for such of the county electors who shall not have voted before, and the poll shall be opened on both days at ten o'clock; any law to the contrary notwithstanding.*

II. *And be it further enacted by the authority aforesaid, that the electors of the said county as may think proper, may give their votes on the first day of the election at the house of Mr. Jefferys, at the lake landing; and all such electors of the said county as shall not vote on the said first day of election, shall be at liberty to give their votes in the town of Woodstock on the second and last day of the election; and when the election shall be finished in manner by this act directed, the tickets shall be numbered, and the members chosen shall be declared in the usual manner.*

III. *And be it further enacted by the authority aforesaid, that in case the seat of any member or members of the said county should be vacant, a writ or writs shall issue for the election of a new member or members to fill the vacant seat or seats in manner herein before directed, that is to say, to hold such election at the different places before mentioned with an intervening week, and in both cases the poll shall be opened at ten o'clock; any law to the contrary notwithstanding.*

CHAP. LXXXI. *An act for establishing a town on the lands late the property of William Petty, adjoining Chatham court-house, as laid off by the trustees named in the act of the last General Assembly, entitled, An act for establishing a town on the lands of Mial Scurlock deceased, in Chatham county, p. 166, for appointing commissioners for the regulation of said town, and repealing said act.*

WHEREAS by an act of the last General Assembly, entitled, *An act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county*, trustees were appointed to lay off one hundred acres of said land into lots of half an acre each, with convenient streets, lanes and alleys, but on proceeding to carry into effect the duties of their appointment, the executors of the said deceased forbid the said trustees entering on the said lands for the purpose mentioned in the said act, suggesting that they were not fully empowered by the last will and testament of the deceased to dispose of the said lands, and might thereby be involved in law-suits at a future day: and whereas the trustees, at the request of the inhabitants of said county and others, have purchased a plantation adjoining the lands mentioned in the before recited act, as convenient in every respect and equally suitable and proper for a town, and have laid the same off in such manner as in the said act directed, and the lots being all sold and ascertained to whom each belongs;

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I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that the said lands so laid off by the trustees aforesaid agreeable to a plan thereof, be and is hereby established a town and town commons by the name of *Pittsborough*.

II. *And be it further enacted, by the authority aforesaid,* that from and after the passing of this act, *George Lucas, Joseph Stewart, Roger Griffith, Mathew Jones, Zachariah Harman, Patrick St. Lawrence, Nathan Stedman, James Massey and William Riddle,* be and they are hereby constituted and appointed commissioners of the said town, with full power and authority to act and do every thing that the trustees in the before mentioned act lawfully might do or have done; and shall keep the streets in good order, to which end they are hereby authorized and empowered to appoint an overseer of the same, with authority to summon the inhabitants of the town to work thereon; and in case of refusal or neglect of any inhabitant summoned to work on the streets, or to procure a sufficient person in his stead to perform such work, every such inhabitant so refusing or neglecting shall forfeit and pay the sum of five shillings for each and every refusal or neglect, to be recovered by warrant under the hands and seals of any two of the commissioners on complaint made by the overseer; which money shall be applied in repairing the streets or any other useful works as a majority of the commissioners may think proper; *provided,* that no inhabitant of the said town shall be compelled to work on the streets thereof more than four days in any one year.

III. *And be it further enacted, by the authority aforesaid,* that the first meeting of the commissioners shall be held on the first Monday in February next after the passing of this act, when they shall and may appoint a chairman, treasurer, and such other officer as shall appear to them necessary, and adjourn and meet at such times as they shall think proper; and that in all acts of the said commissioners, a majority of them shall constitute a quorum, nor shall they do business with a less number; and that in case of death, refusal to act or removal out of the county of *Chatham* of any of the commissioners by this act appointed, the inhabitants of said town and the owners of lots shall within one month after such vacancy assemble, (ten days previous notice being first given in writing in the most public places) and elect some other person being an inhabitant of the county of *Chatham*, in the room of him so dying, removing or refusing to act, which person after being so elected and duly qualified, shall be vested with the same powers and authorities as if he had been expressly named and appointed in and by this act.

IV. *And be it further enacted, by the authority aforesaid,* that the said commissioners are hereby required and directed forthwith to call to account all persons for any monies which may be in their hands belonging to the said town; and in case of failure or refusal of any such person or persons to pay the same, to bring suit for all such monies as may appear to be retained in the hands of such person or persons, and that all such monies (after paying for the land) shall be applied as a majority of the commissioners shall think most conducive to the emolument and benefit of the said town.

V. *And be it further enacted, by the authority aforesaid,* that the before recited act, or so much thereof as comes within the purview or meaning of this act, be and is hereby repealed and made void.

CHAP. LXXXII. *An act vesting certain lands therein mentioned in John Colson, son of William Colson, in fee-simple.*

WHEREAS it is represented to this General Assembly that about fourteen years ago, a certain *John Colson*, made a gift to his son *William Colson*, of a piece or parcel of land lying near the mouth of *Rocky river* in *Montgomery county*, containing by estimation three hundred and fifty-one acres, and actually put his said son in possession of the same; and whereas the said *John Colson* during the late war, attached himself to the common enemy, and withdrew himself from the state without having made unto his said son *William* any deed of conveyance for the said lands: and whereas *William Colson* died some years after, left behind a son by the name of *John Colson*, and by his last will and testament devised to his said son *John* the aforesaid piece or parcel of lands, which in the opinion of some of the citizens of this state is confiscated, as being the property of *John* father to the said *William*, and the commissioner of confiscated property for the district of *Salisbury* hath seized the said lands as the property of *John Colson* father to the said *William Colson*, in order to sell and dispose of the same for the use of the state: for prevention of which,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that the title of a piece or parcel of lands in *Montgomery county*, near the mouth of *Rocky river*, containing by estimation three hundred and fifty-one acres, which the said *John Colson* gave to his son *William Colson* be, and is hereby vested in the said *John Colson*, son to *William Colson* aforesaid, his heirs and assigns forever; any law to the contrary notwithstanding.

CHAP. LXXXIII. *An act to extend two acts passed at the last General Assembly held at Newbern, concerning the county wardens of the poor and tobacco inspection to the county of Chatham.*

WHEREAS it is the desire of the inhabitants of *Chatham county*, that the following acts located to particular counties, be extended to the said county:

I. *Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same,* that one act of the General Assembly, entitled, "An act to empower the county wardens of the poor for the counties therein mentioned, to build houses in their respective counties for the reception of the poor and other purposes;" one other act, entitled, "An act for the inspection of tobacco in certain western counties," be and is hereby extended to the said county of *Chatham*. p. 164, & N. C. L. 1785, 13, 56.

II. *And be it further enacted, by the authority aforesaid,* that the beforementioned acts shall be in force and have the

same validity and effect in the county of *Chatham*, as if the said county had been expressly named in the said acts, notwithstanding the contrary notwithstanding.

III. *And be it further enacted*, that the said first mentioned act shall be extended to the counties of *Camden* and *Currituck*, who may take benefit of and use the same for the purposes of the said counties, in the same manner and fully and amply to all intents, as if the said counties had been originally named therein.

XII Year of Independence. The 18th of November, 1787.

CHAP. V. *An act to amend an act, entitled "An act to remove all disabilities from Simon Cleary and others therein named."* p. 145.

WHEREAS it hath been represented to this General Assembly, that the act, entitled "*An act to remove all disabilities from Simon Cleary and others therein named*," hath occasioned doubts as to the legal construction thereof, whereby the persons whom the legislature meant to relieve, cannot, from the construction of the courts of law, obtain the benefits which were intended by the said act, without a farther provision for that purpose: and whereas the benefits intended to the said *Simon Cleary* and the other persons named in the said act were extended to them on the principle of their inability to come into this state within the time limited by the act passed in November, 1784, commonly called the confiscation act; and an additional testimonial having been exhibited to this General Assembly, under the seal of the city of *Limerick*, in the Kingdom of Ireland, that the said *Simon Cleary* was not within the time aforesaid, or at any other time since, able to travel to America without endangering his life, it is just and reasonable that a further provision be made for his life, as he appears to have been disabled from a personal claim by the act of God: and whereas by the resolves of the General Assembly in their said session of November 1784, whereby a compensation was given to *Patrick Cleary* for part of the personal estate of his late brother, the said *Timothy*, it was agreed, and afterwards enacted, that the said *Simon Cleary* was entitled to further relief, and should be enabled to sue for and recover the real estate, part of which it was suggested had been illegally sold, and if so sold, might be recovered without any further charge to the public.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that from and immediately after the passing of this act, the said *Patrick Cleary* shall be and become *ipso facto* seized and possessed of and entitled to all the estate, real and personal, lands, tenements, goods and chattels, rights and choses in action of whatever kind which were of the said *Timothy Cleary* otherwise *Cleary* at the time of his death, and which have at any time since been confiscated or forfeited, or said or supposed to have been confiscated or forfeited to the use of this state by any law thereof, to be held by him the said *Patrick*, his heirs, executors, administrators and assigns respectively, in trust to be received, possessed, sold and disposed of to and for the use and benefit of the said *Simon Cleary* and the other persons named in the said act respectively, and their respective representatives; excepting and reserving nevertheless out of this present act, such part of the personal estate of the said *Timothy* as was by law allotted for his widow; *And provided also*, that before this present act shall have operation, the said *Patrick Cleary* shall take the oath of allegiance of this state prescribed to be taken by the citizens thereof, before any Judge of the superior courts or any Justice of the Peace, which oath such Judge or Justice is hereby directed and required, upon application made to him for that purpose, to administer and to grant to the said *Patrick Cleary* a certificate thereof.

II. *And be it further enacted*, that it shall be lawful for the said *Patrick Cleary*, after taking such oath of allegiance, to commence and prosecute in his own name all and every such suit and suits, action and actions in law and equity, as may be needful or necessary for the recovery of the whole or any part of the said estate of which he shall become seized and possessed, or to which he shall be entitled by virtue of this act, and such suit or suits shall be sustained and judgment and execution awarded thereon in the same manner as for suits brought by the citizens, any plea of the disability of the said *Patrick Cleary*, or of any other person, or any law, custom, usage, matter or thing to the contrary notwithstanding.

And whereas it is represented that there are several suits in ejectment now depending in the superior court of *Newbern* in the names of several plaintiffs as lessees of the said *Simon Cleary*, for different parcels of the real estate of the said *Timothy*:

III. *Be it therefore enacted*, that it shall and may be lawful for the said *Patrick Cleary* upon motion of the said superior court, and notice to the attorneys of the several defendants, (which motion the Judges of the said court are hereby required to grant) to insert his name in the several declarations as lessor of the respective plaintiffs, instead of the name of the said *Simon Cleary*, in the same manner as if the said *Simon* was actually dead and the title of the premises descended to the said *Patrick*, and the said suits shall be proceeded on to judgment and execution, and the same recovery had as if they had been severally commenced and instituted subsequent to the passing of this act, any law or usage to the contrary notwithstanding.

CHAP. XXIV. *An act to repeal part of an act passed at Newbern in the year one thousand seven hundred and eighty-five, entitled, "An act for destroying wolves, panthers, wild cats, bears, crows and squirrels in the several counties therein mentioned."* P. 155

BE it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act the before recited act so far as the same provides for the killing of crows and squirrels be and the same is hereby repealed and made void.

CHAP. XXV. *An act to effect the cutting and clearing a road from the lower end of Clinch mountain to the Cumberland settlements, and for preserving and granting safety to the inhabitants thereof.*

WHEREAS it has been represented to the General Assembly by the representatives of the counties of Davidson and Sumner, as the earnest wish of the inhabitants of the said counties, that a law should pass empowering the commanding officers of the aforesaid counties to call on the militia thereof to carry the same into full effect: therefore,

I. Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that it shall and may be lawful for the commanding officers of the before mentioned counties to appoint two or more persons to examine, survey and mark out the best and most convenient way from the lower end of Clinch mountain to the settlements of Cumberland as aforesaid; and the said commanding officers are hereby vested with full power and authority to order out the militia of the counties of Davidson and Sumner, to cut and clear the road so marked as aforesaid, under the direction of themselves or either of them, or any of the field officers by them appointed to superintend the same.

And in order that the strictest justice may be done to every militia man and officer in performing the same,

II. Be it further enacted, by the authority aforesaid, that the commanding officers of the said counties of Davidson and Sumner shall at their general muster in April next, cause the militia to be divided into four equal classes of first, second, third and fourth as near as may be, in the same manner as the militia in this State was formerly classed, and shall call on them by classes or part of classes, beginning with the first and so in rotation until the road shall be cut as aforesaid; and in case any officer or militia man shall refuse or neglect to appear when called upon to perform such tour, and bring with him such tool suitable for cutting and clearing the road as aforesaid as may be enjoined by his officer, as also such quantity of provision as may be deemed necessary for such tour, or when on such tour or duty shall refuse or neglect to perform the duties that may be enjoined him by the officer or officers having the command over the said work, he or they so offending shall suffer the same pains and penalties as are inflicted by the militia law now in force in this State, and be proceeded against in the manner as is by the said law directed, and all such fines and forfeitures shall go towards paying the persons employed in viewing and marking the said road.

And whereas it is just and reasonable that all persons performing any useful and laborious task should receive adequate compensation for the same:

III. Be it further enacted, by the authority aforesaid, that it shall and may be lawful for the county courts of the counties of Davidson and Sumner in their quarter sessions, to lay a tax on the poll and all taxable property within the said counties sufficient to pay the labourers employed in cutting and clearing the said road from the lower end of Clinch mountain to the Cumberland settlements, and also those employed in superintending the same, and also for the provision necessary to be furnished those employed in the said service; and the tax so to be levied shall be collected and accounted for by the collectors of the public tax and by them to the county treasurer, and by him to the courts, and by them or their chairman to those employed as above; and the said collector or collectors, before he or they enters on the execution of their office, shall enter into bond with one or more sufficient securities in double the sum to be by him or them collected, for the faithful performance of the trust in him or them reposed, and for the collecting and accounting for all such monies by him or them so received, after deducting three per cent. for collecting and paying the same; and in case he or they shall fail or neglect to collect and account for the same in due time, he or they so failing or neglecting shall be proceeded against as in case of delinquent sheriffs or collectors, and suffer the same pains and penalties that may be had against such sheriffs and collectors of public taxes in this State.

And whereas it hath been found by experience that the inhabitants of the counties of Davidson and Sumner are exposed to great danger from the neighbouring Indians, who may be provoked by the outrages of disorderly persons passing through or from the said counties to the Indian nations: for remedy whereof,

IV. Be it enacted, by the authority aforesaid, that it shall not be lawful for any person to pass through or go from either of the counties of Davidson or Sumner to any of the Indian towns, unless he or they shall have a pass from some officer duly authorized under the United States, the executive of this State, or the field officers of the militia of one or other of the counties aforesaid.

V. Be it further enacted, that if any person or persons offending against the true intent and meaning of this act, he, she or they being thereof lawfully convicted, shall be liable to a fine not exceeding ten pounds, to be assessed by two Justices of the Peace; and in case any person within the limits of the counties of Davidson and Sumner shall menace, provoke or plunder a friendly Indian, or by threatening to kill or destroy or beat him or any of his tribe, or the allies of his tribe being friendly to this or the United State, he, she or they so offending shall be subject to the same pains and penalties on an action brought in behalf of such Indian, as though he, she or they had insulted or plundered a citizen of this State.

And whereas it hath been further represented to the General Assembly by the representatives of the aforesaid counties that it would be of great utility and encourage the emigration to the Cumberland settlements, to empower the militia officers to call on the militia to escort families from Cumberland mountain to the said settlements not more than four times in every year:

VI. *Be it therefore enacted*, that it shall be lawful for the commanding officers of the counties aforesaid, to call out any number of militia not exceeding fifty, at any time it shall be made known to them that a number of families are at the Cumberland mountain waiting for an escort to conduct them to the said settlements; and the county courts are hereby required to levy a tax on the poll and taxable property in the said counties from time to time, sufficient to pay the said expence, to be collected and accounted for as in case of cutting the road, mentioned in the foregoing part of this act.

CHAP. XXVI. *An act to encourage the making of salt in Davidson county.*

WHEREAS it is represented to the General Assembly by the inhabitants of Davidson county, that the salt springs cannot be of any public use unless some person or persons shall have the exclusive right of improving the same;

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the springs oricks commonly called French lick, Neeley's lick, Casper's lick and Ramsey's lick, together with the tracts of land belonging to or reserved with those licks respectively, shall be and they are hereby vested in John Kirkpatrick, Tardner Clark, Jonathan Crake, William Simpson, John Boyd, Ephraim M. Laine and Robert Edmondson, commissioners to lease or rent the aforesaid springs or licks for any term of time not exceeding ten years from and after the passing of this act; and the monies arising from such leases or rents to be applied to the public use of the inhabitants of the county of Davidson; and the aforesaid commissioners shall give bond with security to the court of said county for the faithful accounting of said monies annually to the county treasurer, and shall make public advertisement of the time when the said leases shall be made and the said licks and lands rented, at the court house of the said county, at least ninety days previous thereto.

CHAP. XXVIII. *An act for the better regulation of the town of Edenton.*

WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Edenton have proved defective and inconvenient:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that five commissioners for the town of Edenton shall be chosen annually on the first Monday in April, and the sheriff of Chowan county or his deputy is hereby required to attend at the court house on the same day and at the hour of ten of the clock in the morning, to open the poll and receive the tickets in the presence of two inspectors being freeholders of the said town, and when the election shall be finished such returning officer and inspectors shall in the presence of such of the electors as chuse to attend examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected, but when two or more persons shall have an equal number of votes the returning officer shall have the casting vote, but shall not vote in any other case whatsoever; and in like manner the said sheriff or his deputy first giving ten days notice by public advertisement shall on the first Monday in April in every year afterwards in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Chowan by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor the other half to be paid to the treasurer of the town for the use of the said town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I, A. B. do swear, that I will faithfully discharge the office of commissioner for the town of Edenton agreeable to law, and to the best of my knowledge and judgment." So help me God.

II. *And be it further enacted, by the authority aforesaid*, that no person shall be deemed qualified to act as a commissioner of the town of Edenton unless he hath a lot of land therein with a dwelling house on the same in his own right in fee, and that all the freemen who have paid public taxes and have been inhabitants of the said town six months next before and at the day of election, shall be entitled to vote for the commissioners of the said town, and no others.

III. *And be it further enacted, by the authority aforesaid*, that the commissioners shall appoint one of their body to act as treasurer of the town for that year to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his account with him and pay any balance there may be in his hands; *Provided*, that before such treasurer enters on his office he shall give his bond with approved security payable to the commissioners for the faithful discharge of his duty.

IV. *And be it further enacted, by the authority aforesaid*, that the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary and enter into bond to the commissioners of the said town and their successors with sufficient security in the sum of two hundred pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in office; and all persons shall have free access to

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the journals and papers on paying two shillings to the clerk, under the penalty of forty shillings for every refusal, to be recovered before a Justice of the Peace or the county of *Chowan* by any person who shall sue for the same within a month after such refusal, one half to the prosecutor the other to be paid to the treasurer of the town for the use of the town.

V. *And be it further enacted, by the authority aforesaid,* that the commissioners of the town so chosen and qualified agreeable to the directions of this act shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of *Edenton*, and by that name to have annual succession by the election of the freeholders and freemen as by this act is directed and a common seal, and that they and their successors by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said town any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town, and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts whatsoever, and from time and at all times hereafter under their common seal to make such rules, orders, regulations and ordinances as to them shall seem meet for repairing the streets, erecting public wharfs, appointing market places and regulating the same, also all weights and measures and regulating the price and weight of bread once in every month according to the price of flour, erecting public pumps and keeping in repair those already erected, surrounding the town with a ditch or fence, erecting proper gates on the highways and making proper allowances for such services, and also shall have full power to enforce a compliance and observance to such regulations by laying fines and penalties not exceeding five pounds on those who shall refuse or neglect to conform to such rules and regulations, to be recovered by a warrant under the hand and seal of the said commissioners directed to any constable or other person by them appointed, subject nevertheless to an appeal to the county court, which said appeal shall be tried by a jury of good and lawful men, and in case of a slave being the offender the punishment on conviction shall not exceed thirty-nine lashes; *Provided always,* that such rules, regulations and ordinances are not inconsistent with the constitution and laws of the land.

VI. *And be it further enacted, by the authority aforesaid,* that if any of the said commissioners be ore the next annual election should die, remove out of the county or refuse to qualify, the remaining commissioners shall elect and choose others in the room and stead of those dying, removing or refusing to qualify as aforesaid, which said commissioners so chosen and qualifying by taking the oath as aforesaid, shall have the same power as the other commissioners have by this act.

VII. *And be further enacted, by the authority aforesaid,* that the commissioners of the said town shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said town, and a poll tax of ten shillings on all persons who do not possess in the said town any taxable property, which tax shall be collected by a warrant under the hands and seal of the commissioners directed to such persons as they appoint for that purpose.

And the more effectually to ascertain the taxable property within the said town.

VIII. *Be it enacted, by the authority aforesaid,* that every inhabitant thereof shall yearly at the time he shall give in his taxable property to be assigned for the use of the state, distinguish in the list he shall return what part thereof is situated within the said town, and ascertain the number of his, her or their lots; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the double of the amount of the taxable property of the person so failing as aforesaid.

IX. *And be it further enacted,* that all persons who shall have resided six months in the said town shall be subject to pay taxes of the said town.

X. *And be it further enacted, by the authority aforesaid,* that the commissioners or a majority of them shall annually appoint a proper person to collect the tax of the said town agreeable to the assessment made by the assessors appointed by the court of the county of *Chowan*, and the person so appointed before he enters on the execution of his office shall enter into bond with sufficient security in the sum of four hundred pounds lawful money of this state, to the commissioners of the town and their successors, for the faithful discharge of his duty; and in case the person so appointed shall refuse to serve or fail to give security as aforesaid, the said commissioners shall and may proceed to nominate and appoint any other person who may be willing to act and enter into bond with security in manner as aforesaid; and the collector so appointed shall and is hereby empowered, directed and required to collect the said taxes and pay the same to the treasurer of the town on or before the first *Monday* in *July* in every year, after deducting five per cent. commissions for his trouble in making the said collection; and if any such collector shall neglect or refuse to account for on oath and pay the several taxes wherewith he is chargeable according to the directions of this act, after deducting his commissions, it shall and may be lawful for the superior court of *Edenton* district or the county court of *Chowan*, on motion of the commissioners or a majority of them, or on motion of the treasurer of the town on their behalf to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town with costs of suit, and thereupon to award execution against the body or against the goods and chattels, lands and tenements of such collector and his securities: *Provided always,* that the collector shall have ten days previous notice of such motion.

XI. *And be it further enacted, by the authority aforesaid,* that if the inhabitants of the said town or other person being liable by this act shall neglect or refuse to pay the said tax on or before the first *Monday* in *June* in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offender's goods and chattels, and shall take and receive for his trouble twenty shillings for each distress and no more, and after deducting the taxes due and

fees, the overplus of the goods and chattels sold shall be returned to the owner if any; and the said commissioners or a majority of them are hereby empowered and authorized to grant deeds for any lot or lots improved or unimproved, which deeds shall be good and valid in law.

XII. *And be it further enacted, by the authority aforesaid,* that the books in which the proceedings of the commissioners were entered or shall be entered by themselves or their clerk of the town respecting the election of commissioners, laying taxes, granting and conveying lots and entries of lots, that the said books and all the legal proceedings and acts of the commissioners therein entered agreeable to the acts of Assembly above recited, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity where the titles of lots may come in question.

And whereas many difficulties have arose respecting the lines describing the lots in said town: for remedy whereof,

XIII. *Be it further enacted, by the authority aforesaid,* that after the passing this act the four posts standing at the four corners of King and Broad street shall be the proper station to begin the measurement of describing the lines each way of all the lots in said town; which lines when run (agreeable to the standing of said posts) by the commissioners of said town forever be considered as right; any law to the contrary notwithstanding.

XIV. *And be it further enacted, by the authority aforesaid,* that the commissioners of the said town are hereby empowered and required to cause all such encroachments from which danger may be apprehended or any great injury to the streets to be removed, and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended nor any very great injury to the street, and the owner of such encroachment should not be willing to remove the same, the said commissioners shall impose a ground rent not exceeding forty shillings to be annually paid for each piazza, porch, platform, fence or other encroachments on the street, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seal of the commissioners, directed to any person by them appointed for that purpose, on the goods and chattels of the delinquent.

XV. *And be it further enacted, by the authority aforesaid,* that the said commissioners may let out public lots on the bay or in the town that are not immediately wanted for public use, or buildings on lease for any term not exceeding fifteen years, the rents to be annually recovered (in case of refusal or neglect of the tenants) as heretofore directed for ground rents and applied to the use of the said town.

XVI. *And be it further enacted,* that every person who is the owner of any lot in the town of Edenton shall be within six months after the passing this act, cause the same to be cleared from woods and brush, and he shall keep it clear under the penalty of twenty shillings for every offence, to be recovered before any Justice of the Peace of the county of Chowan for the use of the said town.

XVII. *And be it further enacted,* that no inhabitant of the said town shall be permitted to keep any hogs, geese or goats to run or be at large within the bounds of the said town; under the penalty of twenty shillings for every offence, to be recovered before any Justice of the Peace for the use of said town.

XVIII. *And be it further enacted by the authority aforesaid,* that no person shall strain a horse in any public street in the town so as to endanger the lives of children or other helpless inhabitants, nor shall it be lawful for any person to discharge any fire-arms within the bounds of said town except on muster days or on other public service; and every person offending against these regulations shall be fined by the commissioners in any sum not exceeding twenty shillings, to be recovered before any Justice of the Peace of the county of Chowan, and for the use of the said town.

And whereas the court house in Edenton has been much injured, and is subject to repeated injuries from the want of proper care:

XIX. *Be it therefore enacted by the authority aforesaid,* that the commissioners aforesaid shall repair the said court-house and keep it in order, for which repair they shall be paid out of such money as has been collected or may hereafter be collected for the purpose of erecting a prison or court house in the town of Edenton for the district of Edenton.

And whereas the fire-engine of the said town is greatly out of repair, and some parts thereof entirely destroyed:

XX. *Be it therefore enacted by the authority aforesaid,* that the said commissioners shall and they are hereby required as soon as they shall be possessed of a sufficient fund for that purpose, cause the said engine to be repaired, and when so repaired that they have the same worked at least once in every month, under the penalty of five pounds for every month which they shall neglect to have the same done, to be recovered by any person who shall sue for the same before any jurisdiction having cognizance thereof.

XXI. *And be it further enacted by the authority aforesaid,* that the commissioners are hereby empowered to purchase such a number of leather buckets for the fire-engine as they may deem necessary, and also to appoint ten persons inhabitants of the said town to work the said fire engine; which persons shall be exempted except in cases of insurrection or invasion, in consideration thereof, from all other public service during the continuance of their appointment; and that such persons may be removed at any time, and others appointed for said service in their stead.

XXII. *And be it further enacted by the authority aforesaid,* that in case of any alarm of fire, all persons inhabitants of the said town who are liable to serve in the militia, shall be obliged to render their best assistance for the extinguishment of the fire and other services incident thereto, under the penalty of forty shillings for every neglect to be recovered by the commissioners by a warrant before a Justice of the Peace; provided that if it shall appear to the said justice by the affidavit of the said person so failing as aforesaid or otherwise, that he had a reasonable excuse for such neglect, judgment shall not be given for the said penalty but he shall be discharged. The said penalties when recovered to be paid to the town treasurer for the use of the town.

XXIII. ny fires of the regu the peace viction r person h that no mention And w sufficient XXIV slaves wi ever or agement of Chowan the use of sufficient in prison XXV. tertainin ver, for ten pound perty as c teiture, for any ri XXVI. any slave sion in wa of the said ed by the shillings; hire her o may hire ter the pa directed b fore any J contained their slave owners, owner or XXVII. them shall And wh town requ XXVIII. subscribed and place of his attenda satisfactory the use of ing shall b XXIX. the month som expen seit and pa after such paid to the tels of the XXX. July last a XXXI. Edenton, N

XXIII. *And be it further enacted by the authority aforesaid, that no person shall under any pretence whatever make any fires or cause any to be made, on the wharfs or in the streets in the night time, and any person offending against the regulation shall forfeit and pay the sum of five pounds for every such offence, to be recovered before any justice of the peace of the county and for the use of the said town; and if the offender should be a slave, he or she shall on conviction receive thirty-nine lashes on his or her bare back; provided said slave did not act by order of his owner or the person having the care of such slave, in which case such owner or person shall be subject to the above fine: Provided, that no person shall be subject to these penalties until the commissioners have made publication of the regulations last mentioned for the space of three months at least at the door of the court-house of Chowan county.*

And whereas the regulations heretofore made to prevent dealing and trafficking with slaves, have been found insufficient to prevent that dangerous and pernicious practice;

XXIV. *Be it enacted by the authority aforesaid, that if any free person shall either buy from or sell to any slave or slaves within the limits of the said town, or shall barter with any slave or slaves any kind of goods or commodities whatsoever or other thing, without a permission in writing from the master or mistress, or any other person having the management of such slave or slaves, every such person shall on conviction before any justice of the peace of the said county of Chowan, forfeit and pay the sum of ten pounds, to be levied of his or her property as other recoveries by law for the use of the said town, subject nevertheless to the appeal of the party grieved; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody and shall remain in prison without bail or mainprize for any time not exceeding three months.*

XXV. *And be it further enacted, by the authority aforesaid, that if any person or persons shall be convicted of entertaining any slave or slaves in his, her or their house or houses, or other place or places, in any manner whatsoever, for money or otherwise, every person convicted in the above recited manner, shall forfeit and pay the sum of ten pounds for the first offence, and the sum of twenty pounds for every other offence, to be levied of his or her property as other recoveries by law, and for the use of the said town; and if the offender shall be unable to pay the forfeiture, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding six months.*

XXVI. *And be it further enacted, by the authority aforesaid, that after the passing of this act it shall not be lawful for any slave in the town to hire her or himself out or exercise any trade or occupation without first producing a permission in writing from the owner, or other person having the management of such slave, directed to the commissioners of the said town, who shall thereupon (if there is no just cause to the contrary) cause the said permission to be entered by the town clerk in their book and filed, for which the owner of the said slave shall pay to the clerk a fee of four shillings; and the commissioners or a majority of them shall grant a licence under their hand and seal to such slave to hire her or himself out for any time not exceeding twelve months; and any slave having a licence as directed by this act may hire him or herself out, and may lawfully be hired by any person or persons whatsoever; and if any person after the passing of this act hires any slave or slaves in the said town, without such licence from the commissioners as directed by this act, he or she shall forfeit and pay the sum of five pounds for every such offence, to be recovered before any Justice of the Peace of the county, and for the use of the said town. Provided always, that nothing herein contained shall extend or be construed to prohibit any person or persons residing in the said town from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners, so that such slave or slaves be not permitted to receive the wages contracted for, but in all such cases the owner or the person having the care of such slave, shall make the contract and receive the monies arising therefrom.*

XXVII. *And be it further enacted, by the authority aforesaid, that in all acts of the said commissioners, a majority of them shall constitute a quorum for the purposes intended by this act.*

And whereas it is necessary to collect and enforce the attendance of the commissioners when the exigencies of the town require it:

XXVIII. *Be it therefore enacted, by the authority aforesaid, that if any commissioner shall after notice or summons subscribed by three of the commissioners and countersigned by their clerk, such notice or summons to contain the time and place of meeting and to be left at their dwelling house twelve hours at least previous to such meeting, fail to give his attendance, he shall forfeit and pay twenty shillings, unless prevented by sickness or such other cause as shall be satisfactory to a board of the commissioners, to be recovered before a Justice of the Peace of the county and applied to the use of the town. Provided always, that the commissioners shall meet at least once in every month, and such meeting shall be on the first Monday in every month.*

XXIX. *And be it further enacted, by the authority aforesaid, that the commissioners of the said town shall annually in the month of January publish an accurate list of the taxes levied and collected in said town, together with a list of each sum expended, to whom paid and for what purpose; and the commissioners failing to comply with the same shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall sue for the same within twelve months after such offence, before any jurisdiction having cognizance thereof, one half to the prosecutor the other half to be paid to the treasurer of the town for the use of the said town; which sum shall be levied of the proper goods and chattels of the said commissioners or either of them.*

XXX. *And be it further enacted, by the authority aforesaid, that the commissioners who were chosen in the month of July last are hereby vested with all the powers, authorities and pre-eminences as directed by this act.*

XXXI. *And be it further enacted, that all acts and parts of acts heretofore passed for the regulation of the town of Edenton, shall be and they are hereby repealed and made void.*

CHAP. XXIX. *An act for the better regulation of the town of Fayetteville.*

WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for the regulation of the town of Fayetteville have proved defective and inconvenient: and whereas for many years during the late war no commissioners were chosen, and some lots may remain unconveyed to the proprietors, and doubts may arise concerning the titles to the same:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* that the books in which the proceeding of the commissioners have been entered by themselves or their clerks, respecting the election of commissioners, laying taxes, granting and conveying lots, drawing lots, orders and settlements with respect to the town monies, and all the proceedings agreeable to acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

II. *And be it further enacted by the authority aforesaid,* that seven commissioners shall be chosen on the first day of January in each and every year; and the sheriff of Cumberland county or his deputy is hereby required to attend at the court-house or some convenient place in the said town, on the same day at ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors, and when the election shall be finished such returning officer and inspectors shall in the presence of such of the electors as choose to attend examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected, first giving ten days previous notice by public advertisement, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor the other half to be paid to the treasurer of the town for the use of the town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I A. B. do swear, that I will faithfully discharge the office of commissioner for the town of Fayetteville, agreeable to law, and to the best of my knowledge and judgment. So help me God."

III. *And be it further enacted, by the authority aforesaid,* that the commissioners shall appoint one of their body to act as treasurer of the town for that year to receive and account for the town monies, for which a regular entry shall be made in a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his account with him and pay any balance there may be in his hands; provided, that before such treasurer enters upon his office he shall give bond with good security payable to the commissioners for the faithful discharge of his duty.

IV. *And be it further enacted, by the authority aforesaid,* that the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary and enter into bond to the commissioners of the said town and their successors with two sufficient securities in the sum of two hundred and fifty pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care and keeping a fair and regular journal of the proceedings of the commissioners during his continuance in the said office; and the said clerk is hereby authorized and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town which were in the care and possession of the former commissioners; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

V. *And be it further enacted, by the authority aforesaid,* that the commissioners of the town so chosen and qualified agreeable to the direction of this act shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of Fayetteville, and by that name to have annual succession by the election of the freeholders and freemen as by this act is directed and a common seal, and they and their successors by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said town any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town, and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet for repairing the streets, appointing a constable or constables, town watches or patrols, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town; and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue as to the said commissioners or a majority of them shall appear necessary; and shall also have full and ample power to enforce a compliance and observance to such regulations by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations not exceeding five pounds; and in case of slaves the punishment of thirty-nine lashes; the said penalty to be recovered and the punishment to be inflicted in manner hereafter mentioned; Provided, that such rules and regulations are not inconsistent with the constitution and the laws of the land.

And whereas the proper office of the said commissioners is that of making bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect; for remedy whereof,

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VI. *Be it enacted, by the authority aforesaid,* that a proper person shall be elected at the time and in the manner herein directed for the election of commissioners, who shall be called the magistrate of police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant directed to the sheriff or his deputy sheriff, or to a constable, to summon all the offenders against the laws, rules and ordinances, made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the said sheriff, deputy sheriff or constable is hereby required to execute; and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and subpoena and examine witnesses; and shall take the following oath before he enters on the execution of his office, *I A. B. do solemnly swear, that as a magistrate of police for the town of Fayetteville, I will do equal right in all cases whatsoever to the best of my judgment and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made I will cause to be duly returned to the proper office; and in all things belonging to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals.*

VII. *And be it further enacted by the authority aforesaid,* that the commissioners of the said town shall annually levy a tax not exceeding nine shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds taxable property, which tax shall be collected by a warrant under the hands and seal of the commissioners directed to such person as they appoint for that purpose; and the collector to be appointed as aforesaid is hereby empowered and directed to collect and make distresses for the same in like manner as collectors of public taxes, and the monies arising therefrom after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

VIII. *Be it enacted, by the authority aforesaid,* that every inhabitant thereof shall yearly at the time he shall give in his taxable property to be assigned for the use of the state, distinguish in the list he shall return what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied to the whole amount of the taxable property of the person so failing as aforesaid although part thereof may not be within the said town, any thing herein contained to the contrary notwithstanding: *And it is hereby declared,* that every person inhabiting or occupying any house, or other building or improvement or lot within the said town, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant.

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: for remedy whereof,

IX. *Be it enacted by the authority aforesaid,* that the commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended to be removed, under such pains and penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall impose a ground rent not exceeding forty shillings to be annually paid for each piazza, porch, platform or other encroachment on the street, adjoining to or being before any one house or tenement, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the commissioners, directed to a constable or other officers to be by them appointed, on the goods and chattels of the delinquent. *Provided always,* that uncovered piazzas or platforms and uncovered porches not exceeding eight feet wide including steps and cellar doors, shall not be liable to pay any ground rent; any thing herein contained to the contrary notwithstanding.

X. *And be it further enacted by the authority aforesaid,* that no person shall be deemed qualified to act as a commissioner of the town of Fayetteville, unless he is an inhabitant of the said town, and hath a lot of land therein with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick or stone chimney to the same; and every person who is a freeholder in the said town, and every free man who has resided therein six months and has paid public taxes, shall be qualified to vote for said commissioners.

XI. *And be it further enacted,* that the said commissioners are hereby fully authorized and particularly required and directed to make such laws and regulations as they may deem necessary, to prevent hogs running at large in the said town, slaves from keeping houses without a license from the commissioners; and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient. *Provided nevertheless,* that regulations respecting hogs or other stock, shall not be considered to extend beyond the present limits of the town; *And provided also,* that the powers hereby committed to the said commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty nine lashes. *Provided that in all cases*

where any person shall be dissatisfied with the judgment of the said commissioners, he shall have the liberty of appealing therefrom to the court of pleas and quarter-sessions for the county of *Cumberland*.

XII. *And be it further enacted*, that all former acts and clauses of acts heretofore passed within the purview and meaning of this act, shall be and the same are hereby repealed and made void.

CHAP. XXX. *An act to empower the administrators of Samuel Swan, of New-Hanover county, Esquire, deceased, to sell and dispose of part of the real estate of the said Samuel for the payment of his debts, in order to make the better provision for his family, and also to make conveyance for such part of the real estate as was sold by the said Samuel in his life time.*

WHEREAS *Mildred Swan*, widow and administratrix, and *Frederick Jones* and *Archibald McLaine*, administrators of the goods and chattels, rights and credits which were of *Samuel Swan*, late of *New-Hanover county*, Esq. deceased, have represented to this General Assembly that the said *Samuel Swan* died indebted in several considerable sums of money, and notwithstanding a large payment made by the administrators since his death that there is still due a sum at least equal to the value of the personal estate: and whereas the said administrators have further represented to the satisfaction of this General Assembly that it was the intention of the said *Samuel Swan* to sell and dispose of the greatest part of his real estate for the discharge of his debts in order to make the better provision for his family, and that he had in his life time disposed of some part thereof for which conveyance had not been made: in order therefore that the said administrators may be the better enabled to pay off the debts of the estate, and that there may be a productive estate reserved for his widow and children:

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that it shall and may be lawful for the said administrators, the survivor or survivors of them, and they and every of them are hereby enabled and empowered if they shall find it expedient and necessary, to sell and dispose of all and singular the real estate which was of the said *Samuel Swan*, except the plantation and lands in *New-Hanover county* on which the said *Samuel* usually resided commonly called the oak, and to make conveyance for the same to the purchasers thereof, thereby conveying to each purchaser and their heirs respectively by the virtue of the power given by this act all the right, title, interest, claim and demand whatsoever therein and thereto of which the said *Samuel Swan* died seized and possessed; and also in like manner to make conveyance for such parts of the said real estate as had been sold or agreed to be sold by the said *Samuel Swan* in his life time, and the monies arising by such sales to be assent in the hands of the said administrators: *Provided always*, that before any sale shall be made of any part of the real estate of the said *Samuel Swan* as aforesaid, the said administrators shall give bond with security in double the estimated value of the lands intended to be sold by virtue of this act, if the security already given for the administrators should be adjudged by the court of *New-Hanover county* to be insufficient to cover the real estate, for the true and faithful discharge of the trust reposed in them by this act.

CHAP. XXXI. *An act to charge the estate of Honore Geroud, late of the town of Halifax, deceased, with the payment of all his just debts, and to prefer the same to the title acquired by this state in the property which was of the said Geroud in consequence of his self murder.*

WHEREAS *Honore Geroud*, late of the town of *Halifax* in this state, in consequence of his self-murder has forfeited to the public all his personal property, whereby his creditors are likely to be deprived of a remedy for the recovery of their just debts:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the administrators of the said *Honore Geroud* shall make payment out of his personal property (to be disposed of as the estate of other intestates with respect to the disposal thereof) of all debts, dues and demands justly due and owing from the said *Honore Geroud* at the time of his death, and the residue of the said estate shall be distributed to the next of kin to the said *Honore Geroud*, agreeable to the laws made and provided for the distribution of the estates of persons dying intestate in other cases.

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CHAP. XXXIII. *An act to restore to Hugh Ross, of Anson county, the land by him forfeited to the state.*

WHEREAS it appears by a resolution of the last Assembly that it was their sense the lands of *Hugh Ross* by him forfeited to the state should be again restored him:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the land of *Hugh Ross* of *Anson county*, by him forfeited to the state in consequence of his attachment to the British army, be and the same is hereby fully vested in him and his heirs and assigns; any law to the contrary notwithstanding.

II. *And be it further enacted*, that in case any of the above mentioned lands have been sold by the commissioner of confiscated property for the district in which it is situate, then and in that case the said *Hugh Ross* shall be entitled to the nett proceeds thereof out of the public treasury of this state.

CHAP. XXXIV. *An act to appoint a trustee in the room of James Sampson, Esquire, deceased, who together with others was appointed a trustee for the purposes therein mentioned by an act of Assembly passed at Fayetteville, one thousand seven hundred and eighty seven, entitled, An act to vest in trustees certain powers for the benefit of Elizabeth Torrens and her children.* p. 190.

WHEREAS by an act of the General Assembly passed at Fayetteville the sixth day of January one thousand seven hundred and eighty seven, James Kenan, John Molten, and James Sampson, Esquires, were appointed trustees for the purposes therein mentioned: and whereas the said James Sampson hath since deceased, whereby the intentions of said act has not had its effect: and whereas the said Elizabeth Torrens is desirous that a proper person should be appointed in the room and stead of the said deceased: in order therefore that the said act should have its proper effect:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that David Smith be and he is hereby nominated and appointed a trustee in the room and stead of James Sampson, Esquire, deceased, who on complying with the requisites of the said recited act, is hereby declared to have equal powers and authorities with those appointed in and by the said act, and shall be subject to the like restrictions and penalties.

CHAP. XXXV. *An act to emancipate certain persons therein mentioned.*

WHEREAS Agerton Willis, late of Bladen county, was in his life time possessed of a certain slave called Joseph, and in consideration of the services of him the said Joseph, and the particular obligations he conceived himself under to the said Joseph for his fidelity and attention, did by his last will and testament devise to the said Joseph his freedom and emancipation, and did also give unto the said Joseph a considerable property, both real and personal: and whereas the executor and next of kin to the said Joseph did in pursuance of the said will take counsel thereon, and were well advised that the same could not by any means take effect, but would be of prejudice to the said slave and subject him still as property of the said Agerton Willis; whereupon the said executor and next of kin, together with the heirs of the said Agerton Willis, deceased, did cause a fair and equal distribution of the said estate, as well to do equity and justice in the said case to the said Joseph, as in pursuance of their natural love and affection to the said Agerton, and did resolve on the freedom of the said Joseph and to give an equal proportion of the said estate: wherefore,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that from and after the passing of this act, the said Joseph shall and is hereby declared to be emancipated and set free; and from henceforward he be called and known by the name of Joseph Willis, by which name he may take, hold, occupy, possess and enjoy to him and his heirs forever, all and singular the property both real and personal so given him by the said distribution of the said executor, heirs and next of kin, and by the said name of Joseph Willis shall henceforward be entitled to all the rights and privileges of a free person of mixed blood: *Provided nevertheless,* that this act shall not extend to enable the said Joseph by himself or attorney, or any other person in trust for him in any manner to commence or prosecute any suit or suits for any other property but such as may be given him by this act or such as he may have acquired by his own industry, but this act may in all such cases be plead in bar, and the property therein given be considered as a full and ample consideration for the final accomodation and settlement of all doubts concerning the freedom and property either real, personal or mixed belonging or in any manner appertaining to the said Joseph.

And whereas it hath been made appear to the satisfaction of this General Assembly that Richard Dobbs Spaight, of Craven county, Esquire, hath consented and is desirous to liberate and set free a certain mulatto girl now his property, called or known by the name of Mary Long:

II. *Be it further enacted, by the authority aforesaid,* that from and after passing this act the before mentioned mulatto girl called Mary Long, now the property of Richard Dobbs Spaight, Esquire, shall be and continue liberate and set free, and shall thenceforward be entitled to all the rights and privileges of a free person of mixed blood in this state, and by the said name of Mary Long shall and may receive and hold, possess and enjoy any real and personal estate or property which she may hereafter acquire or become possessed of, in the same manner as any other free person of mixed blood might or could acquire, and possess the same to all intents and purposes as if she had been born free.

Whereas it hath been represented to this General Assembly by the memorial of John Allen, a free man of mixed blood, that he hath purchased a mulatto woman named Betty and her child named Mary, which woman he has long lived with and considered as his wife, and praying that the General Assembly would be pleased to emancipate and set free the said mulatto woman and her child:

III. *Be it therefore enacted, by the authority aforesaid,* that the said mulatto woman named Betty and her child Mary, shall be and they and each of them are hereby emancipated and made free, and they and each of them may hereafter take and use the surname of Allen, and are hereby declared to be able and capable in law to possess and enjoy every right, privilege and immunity in as full and ample manner as they could or might have done if they had been born free.

CHAP. XXXVI. *An act for ascertaining the true courses of a tract of land on Neuse river in Craven county.*

WHEREAS it has been represented to the satisfaction of this General Assembly that *William Good*, Esquire, of the town of *Newbern*, is at this time (in right of his wife as heir at law of *John Runsey*, deceased) in actual possession of and justly entitled to a tract of land on the south side *Neuse* river about eight miles below *Newbern*, containing two hundred and seven acres more or less, being one sixth part of fourteen hundred and forty acres of land patented by a certain *Thomas Cary* in May one thousand seven hundred and six, that the said *Cary* divided the said lands into six equal parts and sold out the same, that the said six parts have ever since been and now are separately held and possessed by different persons under the grants of the said *Thomas Cary*: and it further appears that in the deed for the second division or part of the said land from *Cary* to *Jacob Slaubuck* and in all the subsequent grants for said division the courses have been erroneously expressed, so as to run from the river edge eastwardly into the river, instead of westwardly from the river, which would be agreeable to the patent lines and to the courses of the other five grants for the remaining parts of the patent land: and as it appears just and reasonable that the error before mentioned should be so altered and rectified as to include the lands granted as a part of the lands contained in the patent of *Thomas Cary* aforesaid:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after passing this act, the courses mentioned in the deed granted by *Thomas Cary* to *Jacob Slaubuck* for the second division or sixth part of a tract of land on the south side of *Neuse* river about eight miles below *Newbern*, being part of his lands patented in May one thousand seven hundred and six, which courses are as follows: beginning at a sweet gum on the river, thence south twenty east two hundred and eighty pole to a white oak, thence south eighty east one hundred and forty pole to a pine, thence north twenty to a hickory on the river side, thence west to the first station, shall be void, as none of those courses are included in the patent lines, and in place thereof the courses mentioned in the said grant from *Thomas Cary* in *Slaubuck*, and the courses in all the subsequent grants for the said second division or one equal sixth part of the lands contained in said *Cary's* patent shall be held, deemed and taken in law and equity to be as follows, that is to say, beginning at a sweet gum on the river side *William Ives's* corner, and running south forty west three hundred and forty poles to a white oak *Ives's* other corner, then south twenty east to a pine *John Fooks's* corner, then north forty east three hundred poles along *Fooks's* line to his corner on the river, and then to the beginning: and the said *William Good* and all others holding from, by or under him, his heirs or assigns, shall be considered to have and are hereby invested with as good and absolute right and title in fee-simple to the said lands as herein before described, as he or they would or could have had or possessed had the errors of the courses in the grant for the same never been made.

CHAP. XXXVIII. *An act to erect and establish a town in Rutherford county on land already procured by the commissioners for the purpose of building a court-house, prison and stocks for the said county, and to amend an act to regulate the town of Salisbury, and for authorising the commissioners in the town of Halifax to levy a tax on the slaves within the liberties thereof.*

WHEREAS the establishing and erecting a town in the county of *Rutherford* on the land already procured as aforesaid, would be of great advantage to the inhabitants and be a considerable means of raising money for building the public buildings of said county:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that *Felix Walker*, *William Nevill*, *James Whiteside*, *James Miller* and *Thomas Rowland*, or a majority of them, be and they are hereby appointed commissioners to erect and lay off a town in *Rutherford* county, on the land heretofore procured for erecting thereon the public buildings of said county, and they are hereby authorised and empowered to lay out the aforesaid fifty acres of land into a town of half acre lots with proper streets and alleys, which town when so laid off shall be called and known by the name of *Rutherford*.

II. *And be it further enacted*, that when the town is so laid off, the commissioners or a majority of them shall reserve two of the said lots, which to them shall appear most convenient, for the purpose of erecting the public buildings thereon; and the remaining lots shall be sold by the said commissioners or a majority of them for the purpose of raising money for completing the aforesaid public buildings, and the said commissioners or a majority of them are hereby authorised to make good and sufficient titles in fee simple to the respective purchasers of the said lots.

III. *And be it further enacted*, that if any of the commissioners hereby appointed should refuse to act, die or remove out of the county, the surviving commissioners shall be and they are hereby empowered to elect another in the room of him or them so refusing, dying or removing.

Whereas frequent disputes have arisen and may arise in the town of *Salisbury*, concerning the property and boundary of lots: for remedy thereof,

IV. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that in all cases of controversy concerning lines or the boundaries of lots, it shall be in the power of the commissioners of the town, together with twelve freeholders living in said town, whom the Magistrate of police shall summon for that purpose, to determine such dispute so far as the lines may be in question; and in cases where the original corner or corners of a square may be ascertained by old plats or surveys the commissioners and jury shall be determined by the same, and the intermediate loss or gain (when the sides of the square shall appear to be too short or too long from any change that have happened in the level or surface of the ground) shall be equally divided among

the several proprietors of lots in that square; and all expenses of such survey shall be equally borne by such proprietors.

V. *And be it further enacted*, that in cases where encroachments have been made upon any lot or part of lots, by buildings which have been erected through ignorance of the true boundary, the party encroached upon shall not be at liberty to bring suit by ejectment in the first instance, but on application to the commissioners they shall order a jury of the freeholders of said town to be summoned, which jury and commissioners, together with a sworn surveyor shall measure and value the ground thus encroached upon, and the offending party upon paying the cost of such survey to be assessed by the commissioners, together with the whole amount of the valuation money of such covered ground within the space of thirty days from the time of the process to the party offended, or to the treasurer of the town, and obtaining a receipt for the same, shall be vested in a clear and absolute title to such covered ground forever; but in case the valuation money should not be paid by the party trespassing agreeable to the orders of the commissioners, the process shall be considered of no effect, the party trespassing shall pay the costs of said process, and be further liable to a suit by ejectment; any thing in this act to the contrary notwithstanding.

VI. *And be it further enacted*, that the commissioners of the town of *Salisbury* shall have authority to appoint a surveyor for said town and to fix his fees, and to determine what allowances if any shall be made to jurors who may be employed in settling disputes respecting the boundaries of lots, or any other business they may be summoned to perform under this act, and by whom such fees and allowance shall be paid; and the said commissioners or a majority of them shall have power and authority to appoint an entry taker for such lots as have not heretofore been conveyed by the trustees of said town, fix the price of such vacant lots, establish the fees of the entry-taker, and make such other rules and regulations respecting the same, as to them or a majority of them shall seem necessary.

VII. *And be it further enacted*, that it shall and may be lawful for any person to enter a caveat against any entry that may be made with the said entry taker. *Provided*, the same be done within three months after such entry may have been made, and the person entering such caveat shall have his claim determined by a jury of twelve freeholders living in said town before the commissioners, and the decision thus had shall be deemed final, and a title signed by the commissioners shall issue agreeably to the verdict of the jury within ten days after such decision shall have been made.

VIII. *And be it further enacted*, that a fair record shall be kept of all proceedings, and every transaction touching the premises; and any matter of controversy which may arise under the laws of said town shall be entered at large on the journals of the commissioners, and the same may be given in evidence in any court of record in this state.

IX. *And be it further enacted by the authority aforesaid*, that the commissioners of the town of *Halifax* be and they are hereby authorized, to lay and levy the same tax on each negro slave within the liberties of the said town, that they are authorized by law to levy and collect for a negro slave within the said town.

CHAP. XXXIX. *An act to prevent the obstructing fish from running up the streams and water courses in Bertie county, and to clear the navigation thereof.*

WHEREAS many persons inhabitants of *Bertie* county make a practice of setting wares and hedges across the streams and water courses in the said county, by means of which the fish in the spring of the year are prevented from running up, which hath frequently prevented the people from catching fish at the different places where they have been usually caught ever since the first settlement of the said county, whereby many of the inhabitants of said county are greatly injured:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act it shall not be lawful for any person or persons to make or set any ware or hedge, or cause the same to be done in any stream or water course in the said county when the fish usually run up in the spring of the year, or by any other ways or means stop the fish from running up any of the said streams or water courses during the fishing season; and any person or persons so hereafter offending shall forfeit and pay for every such offence the sum of ten pounds specie, to be recovered before any magistrate of the said county, one half of which shall be paid to the overseers of the poor of the said county and the other half to the informer.

And whereas many of the water courses of said county by a little labour may be made navigable for small boats a considerable distance higher up than they now are:

II. *Be it further enacted, by the authority aforesaid*, that from and after the passing of this act the county court of pleas and quarter-sessions of said county shall and they are hereby empowered and authorized to appoint a company of men within certain districts by them to be described, limited and laid off in such manner as they shall think convenient, with an overseer over each company, who shall be directed to clear and keep open all such streams and water courses as far up as they can be conveniently made navigable for small boats and vessels, and that the said overseer with the men so appointed to work under him shall clear and open the same, and after the said streams and water courses shall be so opened and cleared, the said overseer or overseers and the persons who shall be so appointed to work under him or them, work on and keep clear and open the same so far as his district shall extend at least four days in every year ensuing; and every overseer who shall fail or neglect to keep open and clear such stream and water course so far as his district shall extend, shall forfeit and pay the sum of ten pounds; and every person who shall be appointed by the said court to work on and open and clear such stream or watercourse under such overseer, who shall fail or neglect

left to appear and work upon after being given one day's previous notice by such overseer of the time and place of working, shall forfeit and pay the sum of ten shillings for each and every day he shall so fail or neglect, to be recovered before any Justice of the Peace of the said county, and applied towards hiring some other person or persons to work on the said stream or water course in the room of such delinquent.

III. And be it further enacted, by the authority aforesaid, that the overseer and such person or persons who shall be appointed to work under him within his or their respective district, shall and they are hereby exempted and cleared from working on any public road or roads within the said county so long as he or they continue within the district of any or either of the said overseers, or so long as he or they shall be liable to work on any of the said streams or water courses within any of such districts in the said county; any law to the contrary notwithstanding.

CHAP. XL. *An act to amend an act, entitled, an act to keep open Roanoke river for the passage of fish up the same, and other purposes therein mentioned. p. 119.*

WHEREAS by the afore recited act doubts have arisen concerning the fourth of the said river which by said act is to be left open for the passage of fish, where one or more islands lie in the said river: for remedy whereof and to clear up all doubts,

I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that in measuring the width of the river where an island or islands may intervene, the intent and meaning of the General Assembly is hereby declared to direct all and every person or persons measuring the same, to take the width of the whole river including islands, then deducting the width of the island or islands, to leave one eighth of the said remainder open in the center of the river at that place.

And whereas many of the stands, stops and dams erected in the said river, are constructed, built and set up by people from Virginia, and others having no property, and not owning land on the river or in and among the islands, by which means stops and dams are erected contrary to the meaning of said law, and no precept can be served on those incurring the penalty, or if served no penalty can be got: for remedy whereof,

II. Be it enacted, by the authority aforesaid, that all persons owning the place or places, island, rocks or falls where such stand or stands may or shall be erected, shall be answerable for keeping open the river agreeable to this act.

III. And be it further enacted, by the authority aforesaid, that all and every person owning land on said river, at and against and contiguous to any rocks or islands not yet entered and taken up, shall have the privilege and liberty of taking up the same, agreeable to the laws for taking up land now in force; Provided, they enter and take up such islands, rocks and stands within six months after this session of Assembly; and if not entered or taken up by that time it shall and may be lawful for any person whatsoever to enter and take up the same, any law to the contrary notwithstanding.

IV. And be further enacted, by the authority aforesaid, that every person offending against this act shall forfeit and pay forty shillings for every twenty-four hours he, she or they may build, keep up or maintain any stop, dam, ware or stand, to be recovered by warrant before a Justice of the Peace by any person suing for the same; and the county courts of Northampton, Warren, and Halifax, are hereby required and enjoined to appoint an overseer or overseers to examine the falls in their several counties, and to lay off the river agreeable to this act; and so much of the afore recited act as comes within the purview of this act, is hereby repealed.

CHAP. XLI. *An act to remove all obstruction to the passage of fish up the Neuse river.*

WHEREAS it is represented to this General Assembly that the free passage of fish up the Neuse river, is prevented by a mill dam erected on said river by Mess. Thomas Tomlinson and Woodson Daniel.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Richard Benchan, Richard Banks, John Comer Peek, Charles Horton and James Alston, or any three of them, be and they are hereby authorized and required to cause such gap or slope to be made in said dam, not exceeding eight feet in width, as may to them appear sufficient for the free passage of fish, to be completed and effected on or before the twentieth day of February, one thousand seven hundred and eighty nine; which said gap or slope shall be kept open from the said twentieth day of February until the first day of May annually, under the penalty of five pounds for every twenty-four hours that the said slope or gate shall not be open, to be recovered by warrant before any Justice of the Peace, one half to the use of the informer suing for the same, the other half for the use of the poor in the county of Wake.

II. And be it further enacted, by the authority aforesaid, that every person or persons who have erected or built any ware, dam or stoppage across the river aforesaid, shall destroy or remove so much thereof on or before the twentieth day of February next after the passing of this, as to leave one third part of the river open for the passage of fish, and on failure or neglect shall be subject to the same pains and penalties, and the same recoveries may be had as is herein before imposed; any law, usage or custom to the contrary notwithstanding.

CHAP. XLII. *An act for altering the names of certain persons therein mentioned.*

WHEREAS it is the earnest request of *William Speight* that the name of *Jesse Hay* of *Dobbs* county should be altered to that of *J. J. Speight*, and the desire of *Richard Ranson* that the names of *Robert Portbress* and *Benjamin Clevers Portbress* of *Franklin* county should be altered to *Robert Ranson* and *Benjamin Clevers Ranson*, and the desire of *William Hunt* that the name of *William Bonner* of *Franklin* county be altered to that of *William Hunt*, to confirm the name of *William Ashley* of *Robinson* county, and the name of *Jesse Commander* of *Onslow* county to that of *Jesse Clagg*:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act the name of *Jesse Hay* shall be altered to the name of *Jesse Speight*, the names of *Robert Portbress* and *Benjamin Clevers Portbress* shall be altered to the names of *Robert Ranson* and *Benjamin Clevers Ranson*, also the name of *William Bonner* to the name of *William Hunt*, and the name of *William Ashley* of *Robinson* county be confirmed, and the name of *Jesse Commander* to that of *Jesse Clagg*, and that they and each of them shall thenceforth be called and known by the said names respectively, and that by the said names respectively they shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and they may each by their respective names aforesaid sell and dispose of lands and other property already or hereafter to be acquired, and finally and in all things the said persons respectively shall be able and capable in law or equity of negotiating and transacting all manner of business by their respective names herein before mentioned in as full and ample manner, as if they had been called and known by no other names from the time of their nativity; any law, custom or usage to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, that from and after the passing of this act the courts of pleas and quarter sessions in the several counties in this state shall have full power and authority, on the application of the reputed father, mother or guardians of any natural child, to give such name to such child as the said mother, father or guardian shall require, and to cause such name to be entered on record, and such child shall forever thereafter be called and known by such surname, and shall be able and capable in law or equity of negotiating and transacting all manner of business by such name, in as full and ample manner as any other person or persons whatsoever.

CHAP. XLIII. *An act empowering the court of Pitt county to establish a free ferry over Tar river at the town of Greenville, and to levy a tax on the inhabitants of said county for that purpose.*

WHEREAS it would be agreeable, convenient and necessary for the inhabitants of *Pitt* county, that a free ferry be established and kept over *Tar* river, opposite to the town of *Greenville*:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after passing this act, the Justices of the court of *Pitt* county, or a majority of said court at any time when met, shall have full power, and they are hereby authorized by order of such court, to establish a free ferry over *Tar* river opposite to the town of *Greenville*, and to let the same for any term not exceeding twelve months at any one time to the lowest bidder, or to employ or agree with some proper person to take charge of said ferry for one year at some stipulated price, taking bond with approved security of such person or persons, conditioned that he, she or they shall duly and faithfully attend the said ferry, and without delay set over ferry free all and every the inhabitants of the said county of *Pitt*, or all others if the said court shall see proper to order it so, with their horses, carts and effects, at all seasonable times during said term; and if said court shall think proper that all persons residing out of said county, shall pay ferriage on crossing said ferry, his bond shall also be conditioned that he do the duty of a good and faithful ferryman, in conveying across said ferry any person or persons not inhabitants of said county of *Pitt*, with their horses, waggons, carts and all effects whatever, for such fees or allowances as are or shall be established by said county court.

II. *And be it further enacted, by the authority aforesaid*, that the court of *Pitt* county are hereby empowered to lay a tax on the inhabitants of said county annually for the purpose aforesaid, not exceeding the sum of six pence on every poll, six pence on every hundred pounds value of town property and two pence on every hundred acres of land, to be collected and accounted for as other county monies, and applied for support of such free ferry as the court may direct. *Provided always*, that the court of said county shall have power to continue or discontinue the establishment of the said free ferry, either free for the inhabitants or otherwise, from time to time, as they may find the same most convenient and satisfactory to the inhabitants of the said county of *Pitt*.

CHAP. XLVII. *An act appointing commissioners to repair the court-house, prison and stocks in the town of Hillsborough for the district of Hillsborough, and to levy a tax on the inhabitants thereof, for the benefit, use and reparation of the streets of the town aforesaid.*

The first part shallete.

V. **AND** be it further enacted, by the authority aforesaid, that every hundred pounds taxable property in the town of *Hillsborough*, shall annually pay such sum not exceeding five shillings as the commissioners shall direct, to be collected and paid into the hands of the town commissioner for the time being, in the same manner as taxes for the town aforesaid are collected and paid, and by the said commissioners to be applied for the benefit, use and reparation

ration of the streets of said town; any law, usage or custom to the contrary notwithstanding.

VI. *And be it further enacted, by the authority aforesaid, that all acts and clauses of acts heretofore made which comes within the purview of this act, as far as it relates to the commissioners for repairing the public buildings in the town of Hillsborough are hereby repealed and made void.*

CHAP. XLIX. *An act for establishing a town in the county of Hyde, on the lands of Joseph Gibbs.*

WHEREAS it hath been represented to this Assembly that the establishment of a town on the lands of Joseph Gibbs, in the county of Hyde, would be conducive of public utility, and the said Joseph Gibbs having signified his consent to have sixty acres of the said land laid off for that purpose:

I. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said sixty acres of land be laid off in half-acre lots and streets accordingly, and the same are hereby constituted and established a town, and shall be called by the name of Middleton.*

II. *And be it further enacted, that from and after the passing of this act, that Joseph Gibbs, William Spencer and Abraham Jones, be and they and every of them are constituted commissioners and trustees for designing, building and carrying on the said town; and they shall stand seized in an indefeasible estate in fee-simple in the said sixty acres of land as aforesaid to and for the uses, intents and purposes hereby declared.*

III. *Be it further enacted, that the said commissioners or a majority of them shall appoint a time, and give public notice thereof for meeting the subscribers on the said land, for determining the property of each particular lot, which shall be drawn by ballot in a fair manner by direction and in presence of a majority of the said commissioners at least; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town; and the said commissioners or a majority of them shall make and execute deeds for granting and conveying the said lots contained in the said town to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper costs and charges of the said grantee or grantees to whom the same shall be conveyed; and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.*

IV. *And be it further enacted, that the respective subscribers for the said lots, shall within six months after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said commissioners, the sum of five pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.*

V. *And be it further enacted, that if any of the commissioners hereby appointed should refuse to act, die or remove out of the county, the surviving commissioners shall be and they are hereby empowered to elect another in the room of him so refusing, dying or removing, which said commissioner or commissioners so appointed shall from thenceforth have the same power and authority in all things concerning the matters herein contained, as if he had been expressly nominated and appointed by this act.*

CHAP. L. *An act to enable William Nall, Sheriff of Wilkes county, to collect all the taxes due from said county for the year one thousand seven hundred and eighty five and the year one thousand seven hundred and eighty six, and to allow him further time to settle for his collection with the treasurer; and also for giving a further time to John May, Sheriff of Rockingham, to collect the arrearages of his sinking fund and continental tax in said county.*

WHEREAS William Nall, Esquire, was chosen Sheriff of the county of Wilkes in the year of our lord one thousand seven hundred and eighty-six, and doubts having arisen whether the said Nall had a right to collect the tax commonly called the continental tax which by law became due and payable the preceding year, although the said William Nall hath given bond and security for the collection and payment of the aforesaid taxes:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that William Nall, Sheriff of Wilkes county, be and he is hereby authorized and required to demand and recover of the several collectors in the county of Wilkes aforesaid, that have given bond and security for the collection of public taxes for the year one thousand seven hundred and eighty-five, all such taxes on the inhabitants of their several districts as they were by law required to collect and account for with the Sheriff then in office: Provided nevertheless, that the several collectors above mentioned shall have power to collect the aforesaid taxes from the inhabitants of their respective districts in the same manner as they are authorized and directed to collect other public taxes, and be entitled to the same fees and commissions for collecting and accounting for the same: Provided also, that the collectors aforesaid shall be allowed till the first day of July next to collect and account for the taxes above mentioned.*

II. *And be it further enacted by the authority aforesaid, that where any collector hath neglected or refused to give bond and security according to law for the collection and accounting for the public taxes in the district for which he was appointed, the aforesaid William Nall is hereby authorized and required to collect and account for the said taxes in the same manner and under the same rules, regulations and restrictions as by law the collectors are authorized and required to collect the above mentioned taxes, and shall be entitled to the same fees and commissions that the collectors*

are by law entitled to receive, exclusive of his commissions as county treasurer.

And whereas the several collectors in the county aforesaid, not knowing the law passed at Newbern in the year one thousand seven hundred and eighty five, entitled *An act for emitting one hundred thousand pounds paper currency for the purposes therein expressed*, have omitted the collection of the tax laid by said act for a sinking fund:

III. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that William Nall, sheriff, and the several collectors of public taxes in the county of Wilkes aforesaid, be and they are hereby authorized and required to collect and account for the said sinking fund tax in the same manner and under the same rules, regulations and restrictions; and be entitled to the same fees and commissions as by this act they are authorized, required and entitled to in and for the collections of the tax commonly called the continental tax.

And whereas several of the justices in the county aforesaid have omitted to return the collectors bonds for recoveries thereupon to be had:

IV. *Be it further enacted by the authority aforesaid*, that William Nall, sheriff of Wilkes county, be allowed until the first day of August next to settle for the public taxes due from said county for the year one thousand seven hundred and eighty five, and the year one thousand seven hundred and eighty six with the treasurer of this state, and in the mean time the treasurer shall forbear to commence any action or actions for said taxes against him the said William Nall; any law, custom or usage to the contrary notwithstanding.

And whereas John May, sheriff of Rockingham county, through mistake of the clerk in making out the amount of taxes hath not collected the tax called the continental tax for the year one thousand seven hundred and eighty five, which had not been collected, nor the sinking fund tax for the year one thousand seven hundred and eighty six:

V. *Be it therefore enacted by the authority aforesaid*, that the collectors in said county be allowed until the first day of July next to collect the said taxes and account with the sheriff for the same, and that the said John May be allowed until the first day of August next to settle with the treasurer of the state for the aforesaid taxes, and in the mean time the treasurer shall forbear to commence any action for said taxes against him said John May; any law, custom or usage to the contrary notwithstanding.

CHAP. LII. *An act for establishing two places in the county of New-Hanover for the purpose of holding general musters therein, for dividing the militia of said county into two districts suitable and convenient for the inhabitants to attend muster at the respective places, and for appointing the place of holding courts martial in said county.*

WHEREAS it has been found by experience that any one place which might be fixed on in the county of New-Hanover in this state would be very disagreeable and inconvenient to many inhabitants being or residing in either the remote parts of the said county; and in order to reconcile that disadvantage to the inhabitants thereof:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act the county of New-Hanover shall be divided into two districts; the lower or southern district shall consist of the three companies already formed in and near Wilmington, that is to say, the artillery commanded at present by Captain Huske, the horse by Captain Green and the company of foot by Captain Wright, also the respective companies which are or may be formed on New-Topsail, the upper and lower sound companies, to wit, those of foot under command of Captains Ward and Rulledge, or others which may hereafter be established within the companies aforesaid; that the place hereby established for holding general musters for the lower division or southern district heretofore described, shall be at the town of Wilmington; that the place of holding general musters of the remainder or residue of inhabitants of said county the upper or northward district, shall be at the plantation of William Jones on Long-creek; the militia of the whole county aforesaid, the lower as well as the upper district, shall nevertheless each hold their general muster in the respective districts and places as by this act described and appointed, and on the same day or days as are already fixed by law for the purpose of holding general musters of the county aforesaid.

II. *And be it further enacted, by the authority aforesaid*, that the Colonel or commanding officer of said county is hereby directed and required hereafter to have the inhabitants warned to attend, accounted as usual, at the two aforesaid places respectively; and it is hereby further required that the Colonel or commanding officer of said county attend at either of the musters heretofore mentioned to review the same under exercise, and that he appoint or direct the Lieutenant-Colonel, Major or other officer next in command, as the case may be, to give attendance at the muster of the other district in said county, for the purpose of disciplining the men.

III. *And be it further enacted*, that the place of holding courts martial for the said county shall and is hereby declared to be at the northeast-Briggs, at which place the said court shall sit in usual form, and delinquents shall appear from each district aforesaid in order for trial.

IV. *And be it further enacted, by the authority aforesaid*, that all former acts or parts of acts, sections or clauses respecting the place or places of holding general musters or courts martial in the county of New-Hanover, be and they are hereby repealed and made void.

*N. C. L. 1785, 5, 550.

CHAP. LIII. *An act granting to the inhabitants living on the south-east side of Mecklenburgh county a privilege of holding a separate election for members of Assembly, and to repeal an act, entitled, "An act for removing the public buildings of Mecklenburgh county from Charlotte to the centre of said county."*

WHEREAS the south east part of Mecklenburgh is at so great a distance from Charlotte that it is rendered very inconvenient and burthenfome for the people in that quarter to attend and give their suffrages at the court-house for members to represent them in the General Assembly :

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the sheriff of Mecklenburgh or his proper deputy, and he is hereby authorized and required to open an election at the house of Francis M'Call on the day preceding the time prescribed for holding the annual elections in this state, and receive the ballots of the persons entitled to vote in the said county living on the south-east side of M'Caulpen's creek, under the rules and regulations for holding elections in this state, so far as the same includes the persons living within the bounds of the companies commanded by captains Walker, Porter, Ray and Elinikin, and the ballots so taken shall be sealed up and transmitted to the court-house under the direction of the sheriff or his deputy ; which ballots so taken shall and are hereby declared to be part of the election of the said county ; any thing to the contrary notwithstanding : Provided, that nothing herein contained shall deprive any person living within the bounds before prescribed to give in his suffrage at the court-house in said county.*

And whereas provision is made for removing the public buildings of Mecklenburgh county from the town of Charlotte by an act passed at Newbern in the year one thousand seven hundred and eighty four, entitled, "*An act for removing the public buildings of Mecklenburgh county from Charlotte to the centre of said county, and as the same must be attended with a very considerable expence, and contrary to the wish of a very great majority of the people :*

II. *Be it enacted, by the authority aforesaid, that the said act and every part of the same be and it is hereby declared to be repealed.*

CHAP. LIV. *An act empowering the commissioners therein mentioned to build a gaol in the county of Anson to levy a tax to defray the expences thereof, and to change the name of Newton in said county to that of Wadesborough.*

I. II. & III. *Obsolete.*

IV. **A**ND be it further enacted, by the authority aforesaid, that from and after the passing of this act the town of Newton in the said county of Anson shall be known by the name of Wadesborough.
The last Section Obsolete.

CHAP. LV. *An act to extend an act passed at Newbern the twenty ninth day of December one thousand seven hundred and eighty five, entitled, An act to empower the county wardens of the poor for the counties therein mentioned to build houses in their respective counties for the reception of the poor and other purposes, to the several counties herein mentioned. N. C. L. 1785, 18, 560.*

I. **B**E it enacted by the General Assembly, that the before recited act be, and the same is hereby extended to the counties of Warren, Caswell, Pasquotank, Halifax, Johnston, Richmond, Hyde, Martin, Wake, Rockingham and Hertford, to all intents and purposes as if the said counties had been named in the before recited act : *Provided, that this act shall not be construed to as to oblige the wardens to levy any tax for any of the said counties unless they find the same necessary.*

XIII Year of the Independence. The 3d, of November, 1788.

CHAP. XI. *An act to repeal part of an act passed at Newbern in December, one thousand seven hundred and eighty five, entitled, An act for destroying wolves, wild-cats, panthers and bears, crows and squirrels in the several counties therein mentioned. p. 155.*

I. **B**E it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that from and after the passing of this act, the before recited act and every article thereof, so far as relates to the counties of Rowan, Mecklenburg, Burke, Lincoln, Caswell and Sampson, be and the same is hereby repealed and made void.

CHAP. XV. *An act to amend an act, entitled, An act to erect a town on the lands of Matthew Figures, in Northampton county. p. 183.*

I. **B**E it enacted by the General Assembly of the state of North-Carolina, that so much of the second enacting clause of the before recited act as directs that lots of one acre each shall be laid off, shall be and the same is hereby repealed ; and that instead thereof lots of half an acre each shall be laid off as was intended ; any thing to the contrary notwithstanding.

CHAP. XVII. *An act to repeal part of an act, entitled, An act for the better regulation of the town of Halifax, and extending the liberties thereof; and for altering the mode of laying and levying taxes in the town of Eden-*
ton. p. 173.

WHEREAS that part of the act aforesaid, which extends the liberties so as to include therein *Willie Jones, John Baptist Ashe and Archibald Davis*, with the lands and slaves to them belonging, and being within certain boundaries in the said act described, was passed without the consent or approbation of the persons above mentioned; and the said act so far as it relates to the extension of the liberties, has not produced one good effect:

It is enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that so much of the act aforesaid as extends the liberties of the town of Halifax to include the said Willie Jones, John Baptist Ashe and Archibald Davis, and their houses, lands and slaves, or any or either of them therein, be and the same is hereby repealed.

CHAP. XVIII. *An act to emancipate a certain negro slave named Phillis, late the property of George Jacobs, of the town of Wilmington, deceased.*

WHEREAS it is represented to the General Assembly that the aforesaid *George Jacobs*, deceased, in his last illness, did earnestly request that his negro slave named *Phillis* should be liberated, for her great attention to her said master during her continuance with him, and more especially for her care and assiduity in his last illness: in order therefore to carry into effect the dying request of the said *George Jacobs*, deceased;

It is enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the aforesaid negro woman Phillis, shall be emancipated and forever discharged from her bondage, in as full and ample manner as if she had been born free; any law, usage or custom to the contrary notwithstanding: and the said negro woman shall forever hereafter be known by the name of Phillis Freeman.

CHAP. XXVI. *An act to quiet Thomas Brown, of Bladen county, Esquire, in his title to and possession of divers lands, tenements and hereditaments therein referred to.*

WHEREAS *William Bartram*, late of Bladen county, Esq. deceased, died intestate, possessed of divers tenements and hereditaments, which descended to his only son *William Bartram*, who departed this life intestate and without issue, whereby all the said real estate descended to *Mary Robeson* (formerly *Bartram*) wife of *Thomas Robeson*, now deceased, and *Sarah Bartram*, since the wife of *Thomas Brown*, Esquire, the only surviving children of the said *William Bartram*, the father, and heirs at law of the said *William Bartram*, their brother: And whereas after the said *Thomas Brown* and the said *Sarah Bartram* intermarried, they agreed to make partition of part of the said real estate with the said *Thomas Robeson* and *Mary* his wife, and on the eighth day of February, one thousand seven hundred and seventy-six, the parties made mutual conveyances to each other, the moiety of each sister being conveyed to her and her husband in joint tenancy, as in and by the conveyance of the said *Thomas Robeson* and *Mary* his wife, to the said *Thomas Brown* and *Sarah* his wife, bearing date the day and year aforesaid, may more fully appear: and whereas afterwards, that is to say, on the twenty-fifth day of March, one thousand seven hundred and seventy-nine, the said *Thomas Brown* and *Sarah* his wife, in order to secure a provision for their daughter *Elizabeth Brown* and her issue, as herein after is mentioned, by indenture bearing date the day and year last aforesaid, conveyed to *George Lucas*, of Bladen county, gentleman, all the lands and tenements mentioned and described in the before mentioned conveyance from the said *Thomas Robeson* and *Mary* his wife, to the said *Thomas Brown* and *Sarah* his wife, and a moiety or undivided half part of all the other lands, tenements and hereditaments to which the said *Sarah* was jointly entitled with her said sister of the estate of their said father *William Bartram*, Esquire, and the said *Sarah Brown* then languishing under a dangerous indisposition, and not likely to live until the next court of her county, and the Judges of the Superior courts being then on their circuit, so that there was no probability of her living until she could be examined touching her free consent in executing the said last mentioned deed of conveyance, the said *Sarah Brown* declared to the persons who were witnesses to the execution thereof privately and apart from her husband the said *Thomas Brown*, which witnesses were requested by her to hear and certify her said declaration, that she sealed and delivered the same as her act and deed of her own free will and consent, without any fear of or compulsion from her said husband, all which the said witnesses have testified in a certificate annexed to the said deed, and the same is sworn to by *John Davis*, Esquire, the surviving witness: and whereas the said *George Lucas*, on the twenty-sixth day of March, in the year aforesaid, reconveyed all the lands, tenements and hereditaments herein before mentioned, comprised in the conveyance of the said *Thomas Brown* and *Sarah* his wife, to him the said *Thomas Brown*, his heirs and assigns, of all which he hath ever since continued in quiet and peaceable possession; and at the same time the said *Thomas Brown* in consequence of a previous agreement between him and the said *Sarah Brown* his wife, and as a condition upon which she consented to convey her estate, did enter into one bond or obligation to the said *George Lucas* in the penalty of ten thousand pounds currency, conditioned that if the said *Thomas Brown* should within twelve calendar months from the date thereof, convey to the said *George Lucas* all the before mentioned lands and lots mentioned in the said several conveyances, in trust for him the said *Thomas Brown* during his life, and after the death of the said *Thomas Brown*, then in trust for *Elizabeth Brown*, daughter of the said *Thomas* and *Sarah*, for

her life, and after the death of the said *Elizabeth Brown*, the daughter, then in trust for the children of her the said *Elizabeth* in tail; and in case the said *Elizabeth Brown* should die without issue at the time of her death, then in trust for the said *Thomas Brown*, his heirs and assigns forever; and whereas the said *Thomas Brown* in pursuance and execution of the several trusts mentioned in the condition of the same bond, did by indenture bearing date the eleventh day of *April* in the year last aforesaid, therein reciting the said condition, convey to the said *George Lucas*, his heirs and assigns, all and singular the lands, tenements and hereditaments in the said indenture and the before mentioned bond and conveyances mentioned, and referred to upon and for the several trusts, intents and purposes as in the condition of the same bond is mentioned and expressed, or in and by the said several deeds and conveyances, registered in the registry of *Bladen* county, reference being thereto had may more fully appear: and whereas afterwards, that is to say, on or about the twenty-ninth day of the same *April* in the year last aforesaid, before the sitting of the county court of *Bladen*, and whilst the Judges of the superior court were on their circuit, the said *Sarah Brown* departed this life, without having been privately examined agreeably to the directions of the act of Assembly, touching her free consent to the execution of the before mentioned conveyance of the twenty-fifth of *March*, one thousand seven hundred and seventy nine; and the said *Elizabeth Brown*, daughter of the said *Thomas Brown* and *Sarah* his wife, having since departed this life at the age of five years or thereabouts, the said trust estate by the tenor of the deeds and conveyances herein before mentioned devolves upon the said *Thomas Brown*, his heirs and assigns: and whereas it appears upon indisputable proof to this General Assembly, that as the said *Sarah Brown* hath expressly limited her estate to her own issue in tail, her intention was to exclude her other heirs in favor of her husband the said *Thomas Brown*, which is fully expressed by the documents exhibited by him the said *Thomas*, so that the substance of the act of Assembly for the alienation of estates of feme coverts hath been fully complied with, and even the formalities as far as it was practicable; and the intention of the law being no more than to prevent the alienation of the wife's estate through the undue influence or by the compulsion of the husband, and the said *Thomas Brown*, in the present case taking no estate by the said conveyances in the first instance but what he had before, it is just and reasonable that he should be quieted in this title to and possession of the lands and premises herein before referred to:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that all the before mentioned deeds and conveyances shall be held, deemed and taken to be firm and effectual in law for the conveyance of the lands, tenements, hereditaments and premises therein mentioned against the heirs of the said *Sarah Brown*, and so as to bar them and every of them forever; and that the conveyance by indenture from the said *Thomas Brown* and *Sarah* his wife to the said *George Lucas*, bearing date the twenty-fifth day of *March*, one thousand seven hundred and seventy-nine, as before mentioned, with the private examination and declaration of said *Sarah Brown* thereto annexed, now upon record in the registry of *Bladen* county, shall be held, deemed and taken, and in all courts of law and equity shall be construed and adjudged to be good and effectual in law for conveying the estates of the said *Thomas Brown*, and the said *Sarah Brown* his wife, and each of them, of, in and to the several lands, tenements, hereditaments and premises in the said last mentioned indenture, mentioned in the same manner as if the said *Sarah Brown* had been privately examined with respect to her free consent to the execution thereof in any manner prescribed by law, and as if such examination and declaration had been certified by any Judge, Justice, Court or Commissioners for that purpose legally appointed; any law, usage or custom to the contrary in any wise notwithstanding.

II. *And be it enacted, by the authority aforesaid*, that in all or any suit or suits which may hereafter be instituted against the said *Thomas Brown*, his heirs or assigns, by the heirs of the said *Sarah Brown*, his late wife, or by any other person or persons claiming by, from or under them, or any of them, for the recovery of all or any of the lands, tenements or hereditaments mentioned or described in the said last mentioned indenture of conveyance, this act may be given in evidence in the same manner as public acts without special pleading, and shall be a perpetual bar to any such suit; any law to the contrary notwithstanding.

CHAP. XXVII. *An act to quiet in the possession of William Scott certain lands therein described.*

WHEREAS *Samuel Scott*, deceased, did in the year one thousand seven hundred and fifty-three, obtain a grant from Lord *Granville's* office for six hundred and forty acres of land lying on *Rich-fork* and *Reedy-fork*, in *Guilford* county, then *Rowan* county: and whereas it hath been made appear to the satisfaction of this General Assembly by sundry affidavits, that through mistake of the surveyor the plat returned into the office of the said Lord *Granville* (and which is annexed to the grant) does not by the courses and distances therein specified, include the quantity of land conveyed to the said *Samuel Scott* by Lord *Granville*: and whereas the said *Samuel Scott* hath since died, and bequeathed to his son *William Scott* the aforesaid tract of land:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same*, that from and after the passing of this act, the tract of land lying on *Rich-fork* and *Reedy-fork*, in *Guilford* county, formerly *Rowan*, conveyed by Lord *Granville* to *Samuel Scott* for six hundred and forty acres, have the following bounds, instead of those specified in the conveyance from the said Lord *Granville* to *Samuel Scott*, viz. beginning at a white-oak corner to number thirteen, running south along that line three hundred and twenty poles, thence west three hundred and twenty poles, thence north three hundred and twenty poles, thence east three hundred and twenty poles, crossing *Reedy-fork* twice, to the first station; and the said *William Scott* is hereby declared to be invested with as full and ample right and title to the lands included within the said lines, as he would or might have

been, had they been expressly mentioned in the conveyance made from Lord Granville to the said Samuel Scott. *Provided*, no other person or persons have any lawful claim or any part thereof prior to the passing this act.

CHAP. XXXIII. *An act to amend a law, entitled, An act for the regulation of the town of Hillsborough.* p. 74.

WHEREAS it is the interest of every State to regulate the police of its towns and encourage their trade; and the laws heretofore made for regulating the town of Hillsborough having proved defective:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the commissioners for the said town heretofore chosen and qualified agreeable to law, and their successors, shall have full power from time to time and at all times, to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, watchmen or patrols, and making proper allowances by fees or otherwise for such services, and for all other necessary rules, orders, regulations and ordinances which may tend to the advantage, improvement and good government of said town; and the said rules, ordinances and regulations from time to time alter, change, amend and discontinue, as to the said commissioners or a majority of them shall appear necessary; and also to have ample powers to enforce a compliance and obedience to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in case of slaves, the punishment not to exceed thirty-nine lashes; the said fines to be recovered and the punishment inflicted in manner hereafter mentioned: *Provided*, that such rules and regulations are not inconsistent with the laws of the land.

And whereas it is the proper office of the said commissioners to make bye-laws and regulations for the government of said town, and it has been found inconvenient and often impracticable to call together the said commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: for remedy whereof,

II. *Be it enacted, by the authority aforesaid*, that a proper person shall be elected at the same time, and in the manner directed by law for electing commissioners, who shall be called the magistrate of police for said town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant directed to the sheriff, deputy sheriff or town constable, to summon offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the same manner as trials before Justices of the Peace, the said magistrate is hereby authorized and required to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the said town, which warrant or execution the sheriff or constable is hereby required to execute; and on such trials the said magistrate is hereby authorized and declared to possess all the necessary power to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters into the execution of his office: "I, A. B. do solemnly swear, that as a magistrate of police for the town of Hillsborough, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the government of the said town; all fines and amercements which may happen to be made, I will cause to be duly returned to the proper officer; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice." *Provided always*, that where any person shall think him or herself aggrieved by the judgment of the said magistrate of police, such person shall have the right of appealing from the said judgment, to the court of pleas and quarter-sessions held for the county of Orange.

III. *Repealed.*

IV. *And be it further enacted, by the authority aforesaid*, that all acts and clauses of acts that come within the purview and meaning of this act, shall be and the same are hereby repealed and made void.

CHAP. XXXV. *An act to erect and establish an Academy in the county of Richmond.*

WHEREAS the establishing an academy in the said county for the education of youth, will be attended with great advantages to the State in general, and the county of Richmond in particular:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that Henry William Harrington, Thomas Dockery, Thomas Crawford, Miles King, Edward Williams, Mathew Covington, Israel Sneed, John Howards, William Thomas, William Love, Dudley Mask and William Hunter, senior, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy in the county aforesaid by the name of Richmond academy; and the said trustees and their successors shall be able and capable in law, to ask for and demand, receive and possess of the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the said trustees or a majority of them towards paying for repairing the house, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy, and the promotion of learning therein.

II. *And be it further enacted by the authority aforesaid, that the trustees herein before mentioned shall, previous to their entering on the execution of the trust reposed by this act, give bond to the court of the said county, payable to the chairman and his successors, in the sum of one thousand pounds specie; with condition that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this act, for the purposes aforesaid.*

III. *And be it further enacted by the authority aforesaid, that if any of the trustees by this act appointed shall die, refuse to act, or remove away, that he cannot attend to the duties of his appointment, the remaining trustees may appoint another or others in his or their stead, who shall exercise the same powers as trustees appointed by this act, and when met together in said county, shall have power and authority to elect and constitute one or more tutor or tutors and a treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this state, for the well ordering of the students, their morals, studies and academical exercises, as to them shall seem meet, and to give certificates to such students as shall leave said academy, certifying their literary merit; provided they shall not on any account confer any degree, such as bachelor or master of arts or doctor in any faculty; in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said trustees or a majority of them are hereby empowered, and shall have lawful authority to remove the tutor or tutors, treasurer or any of them, if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.*

IV. *And be it further enacted by the authority aforesaid, that the trustees by this act appointed, or a majority of them and their successors, shall meet annually on the first Monday in January in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary: Provided always, that he shall give ten days previous notice of such meetings; and that the president and treasurer shall be chosen on the first Monday in January, unless in cases of unavoidable accident.*

V. *And be it further enacted by the authority aforesaid, that the treasurer of the said board of trustees shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof, shall account with the trustees or a majority of them for the same; and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him, as is or may be provided for the recovery of money from sheriffs or other public officers. Provided never theless, that the said academy shall not be considered as one of the seminaries of learning intended by the constitution.*

CHAP. XXXVII. *An act to empower the county court of Cumberland to appoint inspectors for the warehouse built in Fayetteville by Roberson Mumford and James Porterfield, established by act of Assembly, passed the twenty ninth day of December, one thousand seven hundred and eighty five. P. 159.*

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the county court of Cumberland are hereby authorized and required to appoint two inspectors to the said ware-house, subject to the same rules, regulations, fines and forfeitures, and entitled to the same privileges as other inspectors heretofore appointed by the county court: Provided, that the said two inspectors to be appointed in virtue of this act, shall not be the same persons who are the inspectors at the warehouse of Thackston and company.*

II. *And be it further enacted, by the authority aforesaid, that no preference shall be given by the said court to any established warehouse erected in Fayetteville; any law, usage or custom to the contrary notwithstanding.*

III. *And be it further enacted, that the sheriff of the county of Cumberland is hereby empowered and required, to summons a majority of the Justices of the said county to meet on the second Monday of December next, in order to appoint two inspectors to the warehouse of Mumford and Porterfield aforesaid; who shall continue until the next county court of Cumberland, and be subject to the same restrictions as other inspectors of tobacco at public warehouses: Provided, that all the Justices of the said county of Cumberland, shall be entitled to sit and vote on the appointment to be made on the second Monday in December aforesaid.*

CHAP. XXXVIII. *An act to amend an act, entitled, An act for the better regulation of the town of Fayetteville, p. 204, passed at Tarborough, in November, one thousand seven hundred and eighty-seven.*

WHEREAS several necessary regulations have been omitted in the above recited act: for remedy whereof,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that when any person shall be appointed by the commissioners of the said town to collect the tax or taxes thereof, he shall prior to entering on the execution of his office, enter into bond with sufficient security in the sum of two hundred pounds to the commissioners of the said town, and their successors in office, for the faithful discharge of his duty; and in case the person so appointed shall refuse to serve, or fail to give security as aforesaid, the said commissioners shall proceed to nominate and appoint any other person who may be willing to act, and enter into bond*

with security in manner as aforesaid; and the collector so appointed shall and is hereby empowered, directed and required to collect the said taxes, and pay the same to the treasurer of the said town, on or before the first day of May in each and every year, after deducting five per cent. commissions for his trouble in making such collection; and if any such collector shall neglect or refuse to account for on oath, and pay the several taxes whenewith he is chargeable according to the directions of this act, it shall and may be lawful for the superior court of Fayetteville district, or the county court of Cumberland, on motion of the commissioners aforesaid, or a majority of them, or on motion of the treasurer of the town aforesaid on their behalf, to enter up judgment against such collector and his securities, for all monies therewith he shall or may be chargeable to said town, with costs of suit, and thereupon to award execution against the goods and chattels, lands and tenements, or against the body of the said collector, and his securities; *Provided always*, that the said collector shall have ten days notice previous to such motion being made.

II. *And be it further enacted by the authority aforesaid*, that the commissioners of the said town shall annually lay and levy a tax, not exceeding four shillings on every hundred pounds value of taxable property within said town, and a proportionable poll tax on all persons who do not possess in said town the value of one hundred pounds taxable property; and all persons having resided six months within the limits of said town, shall be considered as subject to such taxes.

And whereas several of the inhabitants of said town have erected wooden chimnies, whereby fire may be communicated, to the great advantage of the buildings and other property of the citizens thereof;

III. *Be it enacted, by the authority aforesaid*, that the commissioners for said town shall be and they are hereby empowered and required, to direct all such person or persons to remove such nuisances, under the penalty of ten pounds for each and every such offence, neglect or refusal, to be recovered by warrant under the hand and seal of said commissioners or the magistrate of police of said town, directed to any person by them appointed, which money shall be paid into hands of the treasurer of said town; and such person so offending shall be further liable to pay all damage which shall or may arise therefrom. *Provided* that no person shall be subject to this penalty until the commissioners shall have made publication of this regulation for the space of six months at the door of the court-house of the county of Cumberland.

IV. *And be it further enacted, by the authority aforesaid*, that the commissioners of the said town shall annually in the month of December, publish an accurate list of the monies levied and collected, and also of all monies they may have received, either by fines, donations or otherwise, for the use of the said town; together with an account of each sum expended, to whom paid and for what purpose; together with an account current, in which shall be stated the balance remaining in their hands if any; and the commissioners failing to comply with the same, shall forfeit and pay the sum of fifty pounds for each and every offence, to be recovered by any person (who shall sue for the same within twelve months after the commitment of such offence) before any court of record having cognizance thereof, one half to the use of the prosecutor, the other half to be paid to the treasurer of the town aforesaid for the use of the said town; which sum or sums shall be levied on the proper goods and chattels, lands and tenements of the said commissioners or either of them.

V. *And be it further enacted, by the authority aforesaid*, that so much of the before recited act as comes within the purview and meaning of this act, is hereby repealed and made void.

CHAP. XLI. *An act to enable John M^cGee to inherit and recover the estate of his reputed brother, Jesse Steed, deceased.*

WHEREAS it is represented to this General Assembly, that *Jesse Steed*, late of Guilford county, deceased, in his lifetime and at the time of his death was entitled to a considerable real estate, besides some personal property, and that the said *Jesse Steed* departed this life in or about the month of May, one thousand seven hundred and eighty-seven, intestate, without leaving any wife or issue, and that administration of the goods and chattels, rights and credits of the said *Jesse Steed*, was afterwards granted by the county court of Guilford to one *James Bohannon*, who claimed the same as the greatest creditor of the said deceased: and whereas it having been made appear to this General Assembly that the said *Jesse Steed* was an illegitimate son born of the body of one *Elizabeth Steed*, and has left no kindred who can legally succeed to his estate, but has left his reputed brother *John M^cGee*, of Brunswick county, in Virginia (also a son of the said *Elizabeth*) but born in wedlock during her coverture with *Michael M^cGee*, whom it is reasonable to suppose the said *Jesse Steed* might have preferred in case he had made a will; and whereas it has likewise been made appear, that the said *Elizabeth* bore two other children, to wit, *Moses* and *Michael M^cGee*, and no more, and afterwards died; that the said *Moses* died without issue, and the said *Michael* removed himself towards South Carolina about thirteen years ago, and it is not known by his relations whether he is living, or whether he had issue or not:

I. *Be it therefore enacted*, that the said *John M^cGee* be henceforth considered as next of kin to the said *Jesse Steed*, deceased; and that he the said *John M^cGee*, be and he is hereby empowered and enabled, in his own name to ask, demand, sue for, recover and receive all the estate both real and personal whatsoever of the said *Jesse Steed*, to which the said *Jesse Steed*, at the time of his death, was or might be entitled either in law or equity; and that all such real and personal estate be, and it is hereby fully and absolutely vested in the said *John M^cGee*, his heirs and assigns forever; except such part of the personal estate as has been or may be legally administered and appropriated to the payment of demands against the said estate; *Provided*, that he enter into bond with security in the county

court aforesaid, to surrender one half of the said estate to *Michael McGee the younger*, or his heirs, if he or they should appear and claim the same, after deducting all reasonable expences by him incurred in the management of the said estate; and the said court of *Guilford county*, is hereby authorized and directed to take bond as aforesaid, and cause the same to be filed of record.

CHAP. XLII. *An act for erecting a town on the lands of Thomas Douggan, in Randolph county.*

WHEREAS it hath been represented to this General Assembly, that a town in the county of *Randolph*, on the lands of *Thomas Douggan*, at the court house in said county, would be conducive to the interest of the said county; and the said *Thomas Douggan* having signified his consent to have one hundred acres of the said land laid off for a town:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the said one hundred acres of land be laid out in lots containing one acre each, and streets accordingly; and the same is hereby constituted and established a town by the name of *Johnstonville*.

II. *And be it further enacted by the authority aforesaid*, that from and after the passing of this act, *Jedathan Harper, Jesse Hendly, Samuel Milikin, William Bell, and Zebedee Wood*, be and they are hereby appointed commissioners and trustees for designing, building and carrying on the said town; and they shall stand seised of an indefeasible estate in fee simple to the said one hundred acres of land in trust, for the uses and purposes herein expressed; and they or a majority of them shall have full power to meet as often as they shall think proper, to lay off the said lots, with proper and convenient streets, lanes and alleys, each lot to be ten poles in front and sixteen poles back, and cause a plan of the said town to be made, and insert therein the marks and numbers of each lot: *Provided always*, that nothing in this act shall be construed to grant powers to the commissioners and their successors, to dispose of such lot or lots within the limits of the said town, as have been sold or disposed of by the said *Thomas Douggan* or *Stephen Rigdon*; nor such as the said *Thomas Douggan* has reserved for himself and built thereon.

And whereas there are five acres of land whereon the court house, prison and stocks do stand, belonging to the said county, and conveyed by deed from *Stephen Rigdon* for the use of the said county; which is more than sufficient for the public buildings of said county, and will be very inconvenient in or near the center of the said town:

III. *Be it therefore enacted by the authority aforesaid*, that the said commissioners are hereby authorized and required, to lay off two acres of the said land in the most convenient manner, to include the public buildings of the said county; and the remaining three acres to lay off as part of the said town, and sell such lots or parts of lots to the highest bidder, and the monies arising therefrom to be paid by the said commissioners into the hands of the county trustee, for the use and benefit of the said county: *Provided always*, that where any lot or lots shall contain part of the aforesaid three acres of land and part of the land hereby granted by the said *Thomas Douggan*, that such part shall be sold by the commissioners to the highest bidder, and they shall pay to the said *Thomas Douggan* for such parts of lots, one half of the money arising from such sale, and the residue shall be applied to and for the use of the said town.

IV. *And be it further enacted, by the authority aforesaid*, that as soon as the said town shall be laid off as aforesaid the said commissioners shall have full power to take subscriptions for the said lots; and when they shall have taken subscriptions for fifty lots or more, they shall appoint a day by giving public notice of the time and place for drawing for the said lots, which shall be done by ballot in a fair and open manner, in the presence of the commissioners or a majority of them; and each subscriber shall be entitled to such lot as shall be drawn for him, to correspond with the mark and number contained in the plan of the said town; and the said commissioners or a majority of them shall execute a deed in fee simple for such lots to the subscribers, their heirs and assigns forever, at the costs and charge of the grantees.

V. *And be it further enacted, by the authority aforesaid*, that each subscriber shall within one month after drawing as aforesaid, pay to the said commissioners the sum of five pounds ten shillings current money for each lot, and in case of neglect to pay the same, the said commissioners shall prosecute a suit or suits for the recovery thereof; and shall recover judgment for the same with costs of suit; and the said commissioners shall, as soon as they receive the said monies, pay unto the said *Thomas Douggan* the sum of five pounds for each lot, in full satisfaction for the said land, and the remaining ten shillings for each lot, to be applied towards defraying the expences in laying off and improving the said town, in such manner as they or a majority of them may direct; and in case of the death, removal out of the county, or refusal to act of any of the said commissioners, the survivor or survivors of them are hereby empowered to appoint another or others in his or their stead.

VI. *And be it further enacted by the authority aforesaid*, that the commissioners shall keep a well bound book, wherein shall be entered their proceedings; and they shall appoint a clerk and treasurer for said town, who shall enter into bond with sufficient security to perform their several offices.

CHAP. XLIII. *An act to amend an act entitled, An act to amend an act, entitled, An act to remove all disabilities from Simon Cleary, and others therein named. p. 145, & 198.*

WHEREAS by an act, entitled, *An act to amend an act, entitled, An act to remove all disabilities from Simon Cleary, and others therein named*, passed last General Assembly at *Tarborough*, it is inserted and set forth in

the preamble of the said act, that the benefits intended for the persons therein named, were extended to them on account of their inability to come into this State within the time limited by the act passed in November, 1784, commonly called the complication act, instead of December, one thousand seven hundred and seventy-seven; and instead of saying that a further provision be made for the relief of the said Simon Cleary, it is mentioned to be for his life, contrary to the intention of the legislature, and inconsistent with the enacting clause of the said act: therefore to carry the intention of the General Assembly into effect, and to prevent the said act from being misconstrued:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said emendatory act passed at Tarborough as aforesaid, shall operate as fully, amply and foreibly as if the words December, one thousand seven hundred and seventy-seven, had been expressed instead of the word and figures November, 1784, and the word relief instead of the word life; and the said act shall be so understood, construed and expounded, and in the same manner as if the words December, one thousand seven hundred and seventy-seven had been therein expressed instead of the word and figures November, 1784, and as if the word relief had been therein expressed instead of the word life as aforesaid; any law, usage or custom to the contrary notwithstanding.*

CHAP. XLVI. *An act empowering Thomas Johnston, late sheriff of Onslow county, his heirs, executors or administrators, to collect the sinking fund tax due from that county for the year 1785, and for giving him or them a longer time to collect and settle for the same, and for extending this act to the counties therein mentioned.*

WHEREAS it is made appear to this General Assembly, that Thomas Johnston, late sheriff of Onslow county, hath not received the sinking fund tax due from the inhabitants of Onslow county for the year one thousand seven hundred and eighty six, and that he stands chargeable with the same:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said Thomas Johnston, his heirs, executors or administrators, have full power and authority to collect the said tax, under the same rules and regulations as other public taxes are collected and accounted for; and that he or they collect the said tax, and pay the same into the public treasury of the State of North Carolina, on or before the last day of September next; any law, usage or custom to the contrary notwithstanding.*

II. *And be it further enacted, by the authority aforesaid, that this act shall extend to the counties of Tyrrel and Rutherford, in as full and ample manner as to the county of Onslow.*

CHAP. XLVIII. *An act to amend an act passed at Hillsborough, in the year one thousand seven hundred and eighty-three, entitled, An act to vest certain lands in fee simple in Richard Henderson and others. p. 116.*

WHEREAS by reason of danger from the Indians, and the unsettled state of the country where the said lands lie, the survey of them could not be completed within the time prescribed by the said law:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said Richard Henderson and company, shall have full power, right and authority to complete the said survey, according to the said act of Assembly; and if completed within twelve months after a peace shall be settled with the Indians, it shall be as full and effectual to all intents and purposes, as if it had been completed within the time prescribed by the said act.*

CHAP. XLIX. *An act to establish a town already laid off at the court house in Robeson county, by the name of Lumberton.*

WHEREAS John Willis, Esquire, did, by a conveyance in trust for the purpose of having the same laid off and disposed of by way of lottery, convey a certain quantity of land to Henry Lightfoot, Elias Barns, Jacob Rhodes, Sampson Bridgers and William Tatham, Esquires, who were pursuant thereto appointed by the county court of Robeson to superintend the same; and the said superintendants did cause the said land to be laid off into half acre lots, with convenient streets and commons, and a public square, by the name of Lumberton: and whereas the said lottery was drawn, and the plan and scheme thereof, with all other papers respecting the same, filed and deposited in the clerk's office of said county, and the public building for said county erected on said square; and there now being considerable improvements made in said town, the inhabitants thereof and owners of said lots, are desirous that the same should be established by legislative authority:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that the said land so laid off, be established a town and town common, agreeable to the scheme and plan thereof, by the name of Lumberton.*

And whereas it may so happen that said managers appointed as aforesaid, may remove themselves out of the said county, die or resign their appointment: for remedy whereof,

II. *Be it further enacted by the authority aforesaid, that it shall and may be lawful for the Justices of the county court aforesaid, when such vacancies shall or may happen, to appoint such other managers as they may think proper to fill such vacancies; and a majority of them shall always be considered as sufficient in making conveyances in the manner heretofore expressed.*

III. *And be it further enacted by the authority aforesaid*, that all lots and town property in the said town of *Lumberton* shall be subject to assessment and taxation, in the same manner, and under the same regulations as other town property in this state.

And whereas there are lots lying in said town which have not yet been claimed, and it is probable the tickets are lost and may never appear; and in order to do justice to the owner or owners of such lots, if any there be:

IV. *It is hereby enacted*, that the managers for said town cause to be rented out, all such improved lots from year to year, for the highest sums that can be had for the same, which sums they shall be subject to account for to such person or persons as may prove themselves to be the lawful owner or owners.

CHAP. L. *An act to establish the town already laid off at the court-house in Caswell county.*

WHEREAS one hundred acres of land, adjacent to and whereon *Caswell* court-house now stands, hath been laid off into a town of square streets and sixty two lots, by *Nicholas Delone* and *William Lea*, who were the proprietors of the aforesaid one hundred acres of land, and hath already sold and disposed of to merchants, artificers and others, the aforesaid sixty two lots, many of whom have erected buildings and made considerable improvements for the purpose aforesaid, and are desirous the said town should be established by legislative authority:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the said one hundred acres of land so laid off into square streets and lots, be and the same is hereby constituted, erected and established into a town, and shall be called by the name of *Leasburg*.

II. *And be it further enacted by the authority aforesaid*, that *Nicholas Delone, William Lea, Lloyd Vanhook, Thomas Neely, Gabriel Lea, Samuel Johnston* and *John M. Farlin*, be and they are hereby constituted and appointed trustees, for the further designing, building and improving the said town.

And for continuing the succession of the trustees or directors of said town:

III. *Be it enacted by the authority aforesaid*, that in case of the death, refusal to act or removal out of the county, of any of the said trustees or directors, the surviving or other trustees or directors, or a majority of them, shall assemble, and are hereby empowered, from time to time, by instrument of writing under their respective hands and seals, to nominate and appoint some other person or persons, in the room and place of him or them so dying, refusing to act or removing out of the county; which new director or directors so nominated and appointed, shall from thenceforth have the like powers and authority as if he or they had been expressly nominated in and by this act. *Provided always*, that the lot of four acres of land whereon the public buildings for said county now stand erected, together with the springs in the said town, shall agreeably to the original survey of the said lot be reserved for public use; and inhabitants thereof shall have free egress and regress to and from the said springs, by such streets and alleys as shall be deemed and laid off most convenient by the said commissioners; any thing herein contained to the contrary notwithstanding.

XIV Year of Independence. The 2d of November, 1789.

CHAP. IX. *An act for granting to the inhabitants of Tyrrel county a privilege of holding separate elections for members of Assembly.*

WHEREAS it is represented to this Assembly by petitions from a number of the inhabitants of the county of *Tyrrel*, that the great extent of said county (it being one hundred miles in length) renders it very difficult, troublesome and expensive for them to travel to the court-house to give their suffrage for members to represent them in General Assembly, many of them having to go by water the distance of sixty miles, and others who travel by land have very broad waters to ferry over, are often prevented by bad weather and contrary winds, by reason of which they are deprived of their suffrage, and by consequence of a representation in fact in this Assembly: for remedy whereof,

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act, it shall and may be lawful for the sheriff of the said county of *Tyrrel*, or any of his proper deputies, and he or any of them is hereby authorized and required, to open an election on the day preceding the time appointed by law, at the old fort landing plantation, at the house of *Robert M. Callister* on *Alligator* river, and at the *Glebe* house near *Kendrick's* creek, for the ease and conveniency of the voters in the most distant parts of the said county, under the same rules as are prescribed for holding the general election; and the ballots so taken shall be sealed up by the inspectors of the poll in the presence of the sheriff, or his deputy who held the election, and by them be transmitted to the court house under the care of the said sheriff or his deputy: which ballots so taken shall and they are hereby declared to be part of the election of the said county, any thing to the contrary notwithstanding. *Provided*, that nothing herein contained shall deprive any person entitled to vote for members in said county, and who has not already given his vote at either of the places above mentioned, from giving his suffrage at the court house on the days of the general election for the body of the county.

CHAP. XII. *An act for altering the name of James Rousom to that of James Long.*

WHEREAS it is the earnest request of *James Long*, of *Tyrrel* county, that his natural son, heretofore called *James Rousom*, should hereafter be called and known by the name of *James Long* :

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* that from and after the passing of this act, the name of *James Rousom* shall be altered to the name of *James Long*, and that he shall thenceforth be called and known by the said name : and that by the said name of *James Long*, he shall and may sue and be sued, plead and be impleaded, in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise ; and he may by his name aforesaid sell and dispose of lands or other property ; and finally in all things the said *James Long* shall be capable in law or equity of negotiating and transacting all manner of business in as full and ample manner as if he had been called and known by no other name from the time of his nativity, any law, usage or custom to the contrary notwithstanding.

CHAP. XV. *An act directing the sale of the county buildings in Surry, and to alter the times of holding several county courts in this state.*

WHEREAS the county buildings in *Surry* are become useless since the division of said county :

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that *George Houser* and *John Halbert* shall be commissioners, who shall have full power and authority to sell and dispose of the court-house, prison and stocks which belonged to the county of *Surry* before it was divided ; and the said commissioners are hereby authorised to sell the same on twelve months credit, the purchaser giving bond and approved security.

II. *And be it further enacted,* that the monies arising from the said sale, shall be paid in equal sums to the commissioners for erecting the county buildings in the counties of *Surry* and *Stokes*.

The last part in N. C. L. in the errata, p. XXI.

CHAP. XVIII. *An act for the promotion of learning in the county of Currituck, and to amend the Wilmington academy law.*

WHEREAS the good education of youth has the most direct tendency to promote the virtue, encrease the wealth and extend the fame of any people ; and as it is the indispensable duty of every legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life : and whereas it is represented to this General Assembly that the citizens of *Currituck* and the adjacent counties, are desirous of making an early and liberal provision for the instruction of youth by laying the foundation of a public seminary in that county :

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that *Isaac Gregory, Dempcy Connor, John Swann, Peter Dauge, Dempcy Burges, Enoch Sawyer, John Humphreys, William Ferebee, Willoughby Dauge, Asabel Simmons Joseph Ferebee Timothy Etheridge, and Thomas Pool Williams*, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of *Currituck* seminary of learning ; and by the name of the trustees of *Currituck* seminary of learning shall have perpetual succession and a common seal ; and the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies by subscription or otherwise, goods and chattels that shall be given them for the use of the said seminary of learning, and the same apply according to the will of the donors ; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements or hereditaments of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said seminary of learning in the county of *Currituck*, building or purchasing suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the provost and such number of professors and tutors as to them shall seem necessary.

II. *And be it further enacted by the authority aforesaid,* that the said trustees and their successor, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose and convey any such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantee doth not forbid the same ; and further, that the said trustees and their successors forever, or a majority of them, shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, by the stile of the president and trustees of the seminary of learning of *Currituck*.

III. *And be it further enacted by the authority aforesaid,* that the said trustees or a majority of them, shall and they are hereby authorised to choose a president, treasurer and secretary out of their own body ; they may also choose a rector, professors and tutors for the seminary of learning, and the same may remove at pleasure ; and they shall have authority to make bye laws for the government and regulations of the seminary of learning, and the same to alter and amend. *Provided nevertheless,* that such laws shall not be repugnant to the laws of this state, their morals, sta-

des and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said seminary, certifying their literary merit and progress of useful knowledge; and further, that on death, resignation, refusal to act or misconduct of either professors or tutors, the secretary, treasurer or steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

IV. *And be it further enacted by the authority aforesaid*, that the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees aforesaid, in the sum of two thousand pounds, conditioned for the faithful discharge of the trust in him reposed; and that all monies and chattles belonging to the said corporation that shall be in his hand at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding treasurer; and every treasurer shall receive all monies and donations of whatsoever kind that may belong or accrue to the said seminary of learning during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovering may be had against him as is or may be provided for the recovery of monies from sheriffs, or other persons chargeable with public monies.

V. *And be it further enacted*, that if any trustee shall neglect attending at the stated meeting of the board for the space of two years, or if any of them shall die, or otherwise resign his office, the remaining trustees, or a majority of them, shall at their next meeting choose another trustee in the room the person thus neglecting his duty or resigning his office.

VI. *And be it further enacted, by the authority aforesaid*, that no lands, tenements or hereditaments, which may be vested in the trustees of the seminary of learning of *Currituck*, for the sole use and behoof of the seminary, shall be subject to any tax for the space of ninety-nine years. *Provided*, that nothing contained in this act, shall be understood as establishing this as one of those seminaries of learning mentioned by the constitution of this state.

Whereas in the third section of an act passed last session, entitled, *An act for the promotion of learning in the district of Wilmington**, it was intended that the number of trustees might be augmented so as not to exceed thirty nor to be under twenty, but by an omission in the engrosser of the bill or otherwise, although a certain number is intended to be referred to, that number does not appear in the act: for remedy whereof,

VII. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the said trustees at any future meeting may, and they are hereby empowered if they shall judge the same necessary, to elect by ballot a sufficient number of persons to be trustees so as to make the whole number thirty; and such trustees so chosen, shall have the same powers and authority as the trustees named in any of the before mentioned acts.

And whereas it is enacted by the said act passed last Assembly, that the first meeting of the trustees should be on the first day of *January* after passing the said act, and the said act having passed into a law on the sixth day of *December*, immediately preceding the said first day of *January*, and the same not having been published, nor any authentic copy thereof received by the said trustees until long after the said first day of *January*, the first meeting of the said trustees did not happen until some months afterwards, to prevent the legality of the acts of the said trustees at their first meeting being called in question:

VIII. *Be it therefore enacted by the authority aforesaid*, that the said first meeting of the trustees of the said academy, held after the said first day of *January* last past, shall be held, deemed and taken to be good and effectual in law in the same manner as if the same had been held on the said first day of *January* last; and that all the acts and doings of the said trustees shall have the same force and effect, as well within court as without, to all intents, constructions and purposes, as if the said meeting had been held on the day mentioned in the said act; any thing in the said act, or in any law or usage to the contrary thereof in any wise notwithstanding.

CHAP. XXV. *An act to establish the title of certain lands therein mentioned.*

WHEREAS it hath been made appear to this Assembly, that *Mary M^cPhaul*, widow of *Niel M^cPhaul*, late of *Bladen* county, petitioned the Justices of *Bladen* county court, at the sessions held in said county in *May* one thousand seven hundred and eighty five, for a subsistence for herself and children out of the estate of her late husband the said *Niel*, pursuant to an act of the General Assembly, the prayer of which petition was granted, but by inattention of the clerk of said court the order was not fully inserted in the records, wherefore the commissioner of confiscated property paid no attention to the said order, but proceeded to sell and did make sale of two tracts of land, the only estate remaining of the said *Niel*, which sale was contrary to the intention of the legislature and the order aforesaid: therefore,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the sale made by the commissioner of confiscated property for *Wilmington* district, of a certain tract of land situate on the *Mill* prong of the *raft* swamp in *Bladen* county, now in *Robeson* county, containing one hundred acres; and also the sale of one other tract of land, situate on a branch of the said *raft* swamp, containing fifty acres, late the estate of *Niel M^cPhaul*, of *Bladen* county, deceased, is and are hereby declared null and void and of no effect, any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid, and it is hereby enacted*, that the said two tracts of land is and shall continue the estate of the heirs, being the sons of the said *Niel M^cPhaul*, as fully and effectually as if such

*See the appendix.

sales had not been made by the commissioner aforesaid, subject nevertheless to the dower of *Mary M'Phaul*, widow of the said *Neil*, in the same manner as widows are entitled unto dower under the general law of this state.

III. *And be it further enacted*, by the authority aforesaid, that all lands and other property heretofore granted by any county court in this state, agreeable to an act of the General Assembly in that case made and provided, to any widow or orphans of such persons whose estate become confiscated, shall be vested in the grantees in fee simple, as fully and absolutely as if the same had never been subject to confiscation in manner and form agreeable to the act of descents.

CHAP. XXVI. *An act to enable Thomas Callender, acting executor of the last will of Parker Quince, late of New-Hanover county, deceased, and the other persons therein named, to make sale of certain lands and tenements, part of the residuary estate of the said Parker Quince.*

WHEREAS *Thomas Callender*, acting executor of the last will and testament of *Parker Quince*, late of New-Hanover county, Esq. deceased, *Susanna Quince*, *Richard Quince*, junior, and *William Seranzo Quince*, a minor by the said *Susanna Quince* his mother and guardian, residuary legatees of the said *Parker Quince*, have presented their petition to this present General Assembly with the will of the said *Parker Quince* annexed, setting forth among other things, that the residuary estate of the said *Parker Quince* consisted principally of negro slaves and unimproved lands, the latter of which is wholly unproductive and even attended with a yearly expence: that the said executor hath already disposed of thirty three of the said slaves towards the payment of the debts, and that there is yet due from the estate, including interest, the sum of nine thousand pounds or thereabouts, for the payment of which, and a debt of fifteen hundred pounds with above six years interest now in suit, only twenty seven slaves of the residuary estate are remaining; and several of them old and superannuated, so that the said executor will not only be obliged to sell and dispose of the remainder of the residuary estate in his hands, but some part of the slaves specifically bequeathed by the said will, while the lands must remain many years a burthen upon the legatees to their great injury, and contrary to the intention of the testator; and praying that the petitioners may by an act of the General Assembly, be enabled and empowered to sell and convey the real estate of the testator not specifically devised for the payment of debts, so as to save to the legatees the personal and productive estate intended for them by the testator: and whereas it appears to this General Assembly that the prayer of the said petition is reasonable, and that it will be greatly beneficial to the residuary legatees of the said *Parker Quince* that such of the real estate as is not specifically devised by the said will should be sold for payment of his debts:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that it shall and may be lawful for the said *Thomas Callender*, or other the executor or executors of the said *Parker Quince*, *Susanna Quince*, *Richard Quince*, junior, and *William Seranzo Quince*, notwithstanding his minority, and the survivor and survivors of them, the acting executor or executors of the said *Parker Quince* being one or more, and they and every of them are hereby empowered to sell and dispose of all and singular the real estate of the said *Parker Quince* not specifically devised by his said will, and to make conveyances for the same to the purchasers thereof, thereby conveying to each purchaser and his heirs respectively, by virtue of the power given by this act, all the estates, rights, title, interest, claim and demand whatsoever therein and thereto, of which the said *Parker Quince* died seized and possessed; and the monies arising by such sales shall be received by the said *Thomas Callender*, or other the executor or executors of the said *Parker Quince*, and by him or them only, and shall be assets in his or their hands for the payment of the debts of the said *Parker Quince*, and by him or them.

CHAP. XXVII. *An act to incorporate a society of persons by the name of Centre Benevolent Society.*

WHEREAS it has been represented and made appear to this General Assembly, that a number of persons in *Rowan* and *Mecklenburgh*, and other counties, have voluntarily associated together under the name of Centre Benevolent Society, and come under a certain system of laws and regulations for the improvement of useful knowledge, for the encouragement of literature, to alleviate the distresses of the unfortunate, and to supply the wants of the poor and indigent: and whereas it hath been made appear that the aforesaid persons, members of the society aforesaid, are desirous that their society might be incorporated by the name of Centre Benevolent Society, in order that said society might more fully and completely come up to the objects of their institution; therefore, ever willing to give all due encouragement to institutions which evidently point to the happiness of society and the general welfare of mankind,

I. *Be it enacted by the General Assembly of North-Carolina, and by the same authority it is hereby enacted*, that there shall be and remain in the before mentioned society, sufficient power and authority to elect at their discretion such persons as they may deem worthy members of the said society, which persons so elected shall have and enjoy the privileges of the same; which society shall be called by the name of The Centre Benevolent Society, and shall have power to manage the property and inheritance of the same agreeable to their own judgment and pleasure; and shall moreover have perpetual succession in law, fact and name, as herein prescribed; and shall by the name of the incorporation have full power and lawful authority to sue and be sued, to implead and be impleaded, to answer and to be answered unto, in any court or courts of law and equity in this state, before any Judge or Judges, Justice or Justices.

ces, on all manner of suits and pleas, and of what nature or kind soever such suits, pleas, or acts may be, in as full and effectual a manner as any person or persons, bodies politic or corporate, may or can do.

II. *And be it enacted*, that the said corporation so erected, and their successors in office, or the majority of them, by the aforesaid name of the corporation, be enabled to appoint the times and places of their meeting, the number necessary to constitute a quorum; and the said quorum, in the name of the said corporation, shall have full power and authority to frame such regulations for conducting their concerns and interests, as they may think necessary and convenient for accomplishing the end of their institution as the use in other corporations, provided the same be consistent with the constitution and laws of the land.

CHAP. XXVIII. *An act to alter the names of Nancy, John and Keziah Lytle, children of Sarah Nichols, formerly Sarah Lytle, of the town of Hillsborough.*

WHEREAS *John Nichols*, of the town of *Hillsborough*, and *Sarah* his wife, have by their petition requested that the names of *Nancy, John and Keziah Lytle*, children of the said *Sarah*, should be altered, and that they should henceforward be known by the names of *Nancy, John and Keziah Nichols*:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that henceforward and forever hereafter the said *Nancy Lytle, John Lytle and Keziah Lytle*, shall be known and distinguished by the names of *Nancy Nichols, John Nichols and Keziah Nichols*; and by those names shall have right to inherit and claim any estate either real or personal, which may be devited to them or either of them by the said petitioners *John and Sarah*, or either of them, in as full and ample manner as if they the said *Nancy, John and Keziah Lytle*, had been born in wedlock and had from the time of their births been considered as the legitimate children of the said *John Nichols*, and *Sarah* his wife; and shall forever hereafter be placed in the same situation, and shall be considered to all intents and purposes in the same point of view, as though they were legally descended from the said *John Nichols*, and *Sarah* his wife, and had been born in wedlock as aforesaid.

CHAP. XXX. *An act for establishing a town on the lands of Fergus Sloan, in Iredell county, and to amend an act for the division of Rowan county. N. C. L. 1788, 36 645.*

WHEREAS it hath been represented to this General Assembly, that the lands of *Fergus Sloan*, agreed and fixed on by the commissioners appointed by the above recited act for the division of *Rowan* county, for the fixing on a place, and building a court house, prison and stocks in the said county of *Iredell*, is a pleasant and healthy situation, and the said *Fergus Sloan* having signified his consent to have fifty acres of land, fixed on by the commissioners as aforesaid, laid off for a town; and at the request and desire of the inhabitants of the county of *Iredell* aforesaid, by the name of *Stateville*.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that the said fifty acres shall be laid off in half acre lots, and streets accordingly; and the same are hereby constituted and established a town by the name of *Stateville*.

II. *And be it further enacted, by the authority aforesaid*, that *George Davidson, Jeremiah Nelson, Joseph Sharp, John Nesbit and Christopher Huston*, be and every one of them be constituted commissioners and trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple in the said fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think proper, to lay off said town as they shall think most convenient; and the said commissioners shall make and execute deeds in fee simple to the respective purchaser or purchasers, for such price or prices as they or a majority can agree upon, relation being had to the respective properties of the several lots.

III. *And be it enacted*, that the respective purchasers of said lots, shall pay and satisfy the said commissioners for whatever sum or sums they may severally incur by purchasing lots from the said commissioners; and in case of neglect or refusal of any purchaser to pay the sum or sums that may be incurred as aforesaid, that then and in that case the commissioners, or a majority of them, may commence a suit or suits in their own names, and therein recover judgment with costs of suit; and the said commissioners as soon as they shall receive the money by sales as aforesaid, shall pay to *Fergus Sloan* the sum of twelve shillings per acre, for the said fifty acres, in full satisfaction for the said land, and the residue, if any, shall be applied in defraying the expence in laying off said town.

IV. *And be it enacted*, that in case of the death, refusal to act, or removal out of the county, of any of the commissioners, the survivor or survivors of them are hereby empowered from time to time, by instrument of writing under their hands, to appoint some other person, being a freeholder in said county of *Iredell*, in the place of him so dying, refusing to act, or removing as aforesaid; which commissioner or trustee shall have the same power and authorities as if he had been appointed by this act.

And whereas a clause was annexed to the above recited act for the division of *Rowan* county, authorising the Justices of the Peace for said county of *Rowan*, who in the aforesaid division might fall within *Iredell* county, to exercise all the powers and authorities to which they were severally and otherwise entitled as Justices for *Rowan*: And whereas said clause by accident or other casualty never appeared to said act; and whereas the Justices of *Rowan* county falling into *Iredell* county as aforesaid, proceeded, to exercise the powers and authorities supposed to be contained in the clause as aforementioned, from the fourth Monday in December, one thousand seven hundred and eighty-eight,

until the fourth Monday in June, one thousand seven hundred and eighty-nine, destitute of the authority supposed to be contained in the clause aforesaid, whereby trouble and inconveniency may arise to those who have had business done with or by the aforesaid Justices during that period: for remedy whereof,

V. *Be it enacted*, that all the proceedings of the aforesaid Justices, during the above period including two courts in said county of *Tredell*, shall be deemed to have the same force and validity as if the aforesaid Justices had been invested with all the necessary powers and authorities as Justices of the Peace, any law or custom to the contrary notwithstanding.

CHAP. XXXI. *An act for laying off a town on the lands of John Marriner, in Tyrrel county.*

WHEREAS it hath been represented to this General Assembly, that a town in the county of *Tyrrel*, on the lands of *John Marriner*, on the southwest side of *Scuppernon* river, at a place known by the name of the *Black* landing, would be of very considerable advantage to the inhabitants of said county; and the said *John Marriner* having petitioned this General Assembly for the same:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that *Benjamin Spruill*, *Woolsey Hathaway*, *John Wynn*, *James Wood*, *Charles Spruill*, *John Ansley*, *Hezekiah Spruill*, *Nathan Batiman* and *Robert Davidson*, be and they are hereby appointed commissioners, to contract with the said *John Marriner* for eighty acres of land for the said town, and the terms on which he will dispose of the same in lots of one half acre each; and the ground so agreed for by off into streets not less than fifty, and not more than one hundred feet in width; which lots and streets the said commissioners are required to lay down in a regular plan, numbering the lots therein laid down; which said town shall be distinguished by the name of *Newport*.

II. *And be it further enacted by the authority aforesaid*, that the commissioners above mentioned, as soon as there shall be a sufficient quantity of lots subscribed for, all the numbers of the lots of the said town shall be placed in a box, and the names of the subscribers in another, and when a name being drawn out, a number at the same time, his shall be the lot the number of which was drawn with his name; and the remaining numbers undrawn and not subscribed for, shall be vested in the said *John Marriner*, notwithstanding he shall have executed a deed for the same to the commissioners aforesaid; provided that the subscribers for the said lots shall not be obliged to pay to the proprietor or commissioners more than fifty shillings for each lot; and that this act shall not have effect, until the said *John Marriner* shall execute a sufficient conveyance to the commissioners aforesaid, of the lands agreed for as aforesaid for laying out the said town.

III. *And be it further enacted by the authority aforesaid*, that the said commissioners, or a majority of them, are hereby empowered to grant deeds to the subscribers for the said lots.

IV. *And be it further enacted by the authority aforesaid*, that if any of the commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving commissioners shall be and they are hereby empowered to elect another commissioner or commissioners, in the room of him or them so refusing, dying or removing.

CHAP. XXXII. *An act to empower certain persons therein named to receive, sue for and recover all such bequests, donations, benefactions and other things, as have heretofore been bequeathed, given or made by any person or persons whatsoever for the use of the congregation or society of the episcopal communion of Newbern.*

WHEREAS there have been donations and bequests made, and monies received by subscriptions for erecting an episcopal church or house of worship, and for the support and maintenance of a minister, but for want of legal authority to call the possessors to account for such donations, bequests, monies and subscriptions, are in danger of being lost, for prevention whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that *John Foxviell*, *Richard Dobbs Spaight*, *Richard Nixon*, *Isaac Guion*, *Thomas Thomlinson*, *John Daves*, *Thomas Hastin*, *David Witherspoon* and *William Good*, Esquires, shall and they are hereby declared to be churchwardens, for receiving and taking into their possession all and singular the donations, bequests, benefactions and monies or subscriptions, which heretofore have been given, bequeathed and made and received, and all and singular the donations, bequests, benefactions and monies or subscriptions which have heretofore been given, or may hereafter be given, bequeathed, made or raised, and all and singular the lands and hereditaments which have been purchased, made or given for the use and benefit of the congregation or society of the episcopal church of *Newbern*.

II. *And be it further enacted by the authority aforesaid*, that the said churchwardens, or a majority of them, shall be and they are hereby empowered to commence and prosecute any suit or suits, either in law or equity, against any person or persons who may refuse to account for or deliver up to them or the said churchwardens any donations, bequests, benefactions, monies or lands and hereditaments in his, her or their hands and possessions, and which had been given, bequeathed, raised, subscribed or purchased for the purpose aforesaid, and to proceed to judgment and execution thereon; and when such donations, bequests, benefactions, monies, lands and tenements shall be recovered and received, the same to apply to such uses as the said congregation or society shall direct.

III. *Provided always, and be it further enacted, by the authority aforesaid*, that the congregation or society aforesaid are hereby authorized and empowered to convene at the church in *Newbern*, on the first Monday after Easter, and on the same day in every succeeding year, and elect seven persons to act as churchwardens, and shall remain and continue in office for three years after such election.

CHAP. XXXIII. *An act to invest an indefeasible right of inheritance in Charles, Alley and Prudence Oggs, the surviving natural children of John Oggs, of the county of Pasquotank, of such property as was bequeathed to them and their deceased brother Jesse Oggs.*

WHEREAS it hath been made appear to this General Assembly, that John Oggs late of the county of Pasquotank, negro slave Hester, to whom he bequeathed all his real and personal estate by virtue of a certain last will and testament: and whereas by the policy of the law, the said children being bastards, are debarred from the rights of inheritance, and being recommended to this General Assembly as persons of good fame: and whereas Jesse one of the children is dead.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the above mentioned Charles, Alley and Prudence Oggs, are hereby invested in an indefeasible right of inheritance of all and singular the lands and tenements, goods and chattels which were bequeathed to them by their father John Oggs, in virtue of his last will and testament; and that they hold and take the said property to them and their heirs and assigns forever, agreeably to the directions of the said will, and the intentions of the said John Oggs therein expressed.*

And whereas the within mentioned Hester, and her children Charles, Alley and Prudence Oggs, are recommended to this General Assembly by several very respectable inhabitants of the counties of Camden and Pasquotank, as worthy of being manumitted and set free agreeable to the intention of their father John Oggs:

II. *Be it therefore enacted, that the said negro woman Hester, and her children Charles, Alley and Prudence Oggs, are hereby manumitted and set free to all intents and purposes, and to possess all the rights and privileges as if they had been born free.*

CHAP. XXXV. *An act to emancipate certain negroes therein mentioned.*

WHEREAS it hath been represented to this General Assembly, that Robert Shaw, in his life time, did receive a valuable consideration for the further services of a certain negro woman named Amelia, and has certified the same and declared her to be free: and by petition of Thomas Lavick, it appears to be his desire that a certain negro woman by the name of Betty, belonging to him, should be set free; also a petition of Monsieur Chaponel, desiring to have set free a mulatto slave belonging to him, by the name of Lucy, of three and half years old: and whereas it appears by the petition of Ephraim Knight, of Halifax county, that he is desirous to emancipate two young mulatto men called Richard and Alexander, the property of said Ephraim: and it hath also been represented to this Assembly by John Alderson, of Hyde county that it is his desire to set free a mulatto boy belonging to him, called Sam: and whereas it hath been made appear to this Assembly by the petition of Thomas Newman, of Fayetteville, that he hath a mulatto boy belonging to him, which he is desirous to emancipate, and known by the name of Thomas:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said negro women called Amelia and Betty, and the mulatto girl Lucy and the said mulatto men Richard and Alexander, and the said mulatto boy called Sam, and the negro boy named Thomas Clinch, shall be, and each of them are hereby emancipated and declared free; and the said Richard and Alexander shall take and use the surname of Day, and the mulatto boy Sam shall be known and called by the name of Samuel Johnson; and the said slaves so liberated, and each of them, are hereby declared to be able and capable in law to possess and enjoy every right, privilege and immunity, in as full and ample manner as they could or might have done if they had been born free.*

CHAP. XXXVH. *An act to vest in Jeremiah and Robert Field an indefeasible right to such property as was granted to them by their father William Field, in the year one thousand seven hundred and seventy-six.*

WHEREAS it has been made appear to this General Assembly that William Field and Lydia his wife, in the year one thousand seven hundred and seventy-six, made a deed of gift unto their children Jeremiah and Robert Field of a certain tract of land, lying in Rowan and Surry counties, containing six hundred and forty acres, to wit, one tract of land on Abbot's creek, beginning at a hickory standing on the line of a survey late the property of William Buse, and running north along his line in all one hundred and two chains to a stake in the line of another survey of the said Buse, then west along said line, crossing said creek and a fork of the same, sixty two and three fourth chains to a black-oak and white-oak saplings, then south one hundred and two chains to a black-oak sapling, then east crossing said creek sixty-two and three-fourth chains to the beginning, containing six hundred and forty acres: and whereas the said property was held as confiscated to the state by the commissioners of confiscated property for the district of Salisbury; yet as the same was conveyed previous to any confiscation law of this state, bona fide, by the said William Field and Lydia his wife, to their children Jeremiah and Robert,

I. *Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said Jeremiah and Robert Field are hereby invested with an indefeasible title and interest in the property above described, to them, their heirs and assigns forever; any law heretofore to the contrary notwithstanding.*

CHAP. XXXVIII. *An act to pardon John Bradley, of the town of Wilmington.*

WHERAS John Bradley, of the town of Wilmington, in the county of New-Hanover, some time in the year of our lord one thousand seven hundred and eighty seven, obtained a pardon from the Governor of this state, in consequence of application to him made, and of the recommendation of the General Assembly in behalf of the said John Bradley, then accused for the killing of Samuel Swann: which pardon, on being duly pleaded to an indictment for the said supposed offence, in the superior court of law for Wilmington district, was not allowed by a majority of the Judges of the said court; and the said John Bradley in his petition to this General Assembly having set forth such circumstances as upon due enquiry and full consideration of the same, it appears the said John Bradley ought to be pardoned.

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said John Bradley is fully, freely and absolutely pardoned, acquitted and discharged of and from any prosecution for murder, manslaughter or other species of homicide of whatever nature in law or construction thereof, done or committed by the said John Bradley in the killing of the said Samuel Swann, with which he now is or hereafter may be charged in any of the courts of this state.

CHAP. XLII. *An act to establish the lines of a certain tract of land granted unto Charles Gerrard.*

WHEREAS it appears to the satisfaction of this General Assembly, that James Sanders, deputy-surveyor of the military lands of this state, did return a plat of survey of a tract of land for Charles Gerrard, Esquire, for two thousand five hundred and sixty acres, situate in the county of Davidson, for which plat a grant hath issued to the said Charles Gerrard, notwithstanding the said survey was not made to the cardinal points agreeable to law, by which means the said Charles Gerrard may be in a future day disturbed in his title of the said land: and whereas the entry of the said Charles Gerrard is one of the oldest date in the said county of Davidson, and that it is not just he should suffer on account of any mistake or error in the deputy surveyor;

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the boundary lines of a military grant of this state numbered number thirty-two, signed by his Excellency Richard Caswell, Esquire, then Governor of this state, the fourteenth day of March one thousand seven hundred and eighty-six, given and granted unto Charles Gerrard, a Lieutenant in the North-Carolina line, two thousand five hundred and sixty acres of land lying in the county of Davidson, on the south side of Cumberland river, including the mouth of Yellow creek, beginning at a white-oak on the river bank, thirty-four poles above the mouth of Yellow creek, then down the river to a hackberry and boxelder, thence south thirty-five degrees east four hundred and sixty poles across the creek to an elm, thence north fifty-five east eight hundred and eighty-six poles to a white-oak, thence north thirty five west three hundred and eighty-two poles to the beginning, be and are hereby declared to be the established boundary lines of the said Charles Gerrard's aforesaid tract of two thousand five hundred and sixty acres; any law, usage or custom to the contrary notwithstanding. *Provided,* that nothing in this act contained shall be construed to injure the right of any individual to the said land.

CHAP. XLIV. *An act to authorize James Billingsby to execute a deed or deeds of conveyance, agreeable to a power of attorney and the last will and testament of William Rea, late of Guilford county, deceased.*

WHEREAS William Rea, late of Guilford county, deceased, did in his lifetime execute a power of attorney, bearing date the third day of February one thousand seven hundred and eighty-nine, unto James Billingsby, empowering him to execute a deed or deeds of conveyance to every person or persons to whom he the said William Rea sold lands on the waters of Cumberland river, or in Guilford county, in this state; which power of attorney he the said William Rea recognized by his last will and testament:

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that James Billingsby is hereby authorized and empowered to execute a deed or deeds of conveyance, agreeable to the power of attorney aforesaid and the last will and testament of the said William Rea, deceased; which deed or deeds so executed as aforesaid, shall be good and valid in law as if the said William Rea, deceased, had in his lifetime executed the same; any law, usage or custom to the contrary notwithstanding.

CHAP. XLVI. *An act to establish a public inspection of tobacco in Clarksville the county of Tennessee.*

WHEREAS the establishing a public inspection of tobacco in Clarksville, in the county of Tennessee, will encourage commerce, promote industry and be advantageous to the tobacco planters and others in the county aforesaid:

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the Justices of the county court of Tennessee shall and are hereby empowered and directed, to cause to be built and erected a warehouse and other conveniences in the said town, fit and necessary for the reception, inspection and safe-keeping of tobacco in the said town; and the same when so built and erected, shall and is hereby declared to be a public warehouse for the reception of tobacco.

I. And be it enacted, by the authority aforesaid, that the said court shall appoint two discreet and careful men, well qualified and acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an act of the General Assembly, passed at Newbern in the year one thousand seven hundred and seventy seven, entitled, *An act to amend the staple of tobacco, and prevent frauds*; which said law, so far as is not provided for by this act, shall govern the inspection hereby established. *N. C. L. 2, 1777, p. 337.

III. And be it further enacted by the authority aforesaid, that the inspectors so appointed, shall have and receive of the owners of tobacco the sum of eight shillings for each and every hoghead of tobacco they shall inspect, cooper and put in good order, and the sum of two shillings for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and every thing necessary thereunto.

IV. And be it further enacted by the authority aforesaid, that the inspectors, or either of them, when so appointed by the court and qualified as by this act directed, is hereby invested with full power and authority to inspect any tobacco that may be brought to the said warehouse, and on passing the same, grant a certificate or note thereof to the owner or owners as the case may be.

CHAP. XLVIII. *An act to amend and enlarge an act passed at Hillsborough, in April, one thousand seven hundred and eighty four, entitled, An act to enable Mary Dowd to sue for and recover to her own use, and the use of her children by her husband Conner Dowd, all debts due and owing to the said Conner, and all other things in action which the said Conner Dowd might lawfully sue for and recover, were he a citizen of this state and entitled to the benefits of its laws.*

WHEREAS doubts may arise whether Mary Dowd was legally authorized by the before recited act to sell and convey any part of the real estate of her husband Conner Dowd; and whereas it is represented to this General Assembly, that it will not be possible for her to discharge all the debts of the said Conner without selling part of his real estate:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said Mary Dowd shall and may be fully authorized and empowered to sell and convey so much of the real estate of the said Conner Dowd, as shall be sufficient to discharge all his debts, and on such sale to make and execute a deed or deeds of bargain and sale for the same to the purchaser or purchasers, in as full and ample manner as if she was a feme sole and unmarried, and actually was seized of an indefeasible estate in fee simple in and to the said real estate; which said deed or deeds of bargain and sale by the said Mary Dowd so to be made, shall convey a clear and indefeasible estate in fee simple to the purchaser or purchasers of such real estate, which shall be good and effectual in law to bar the right of the said Conner Dowd, his heirs, devisees and assigns, as well as the right of the said Mary Dowd, her heirs, devisees and assigns. Provided, that this act shall not be so construed as to affect the right or claim of any person or persons other than those herein particularly barred, any law or usage to the contrary notwithstanding. Provided also, this act shall not be construed as to operate upon any real estate, save only that which shall be in the county of Chatham.

CHAP. XLIX. *An act to confirm unto Benjamin Williams an indefeasible title to a certain piece of land in Brunswick county; and for making conformable to the plan the courses of a tract of land containing five thousand acres in Hawkins county, situate on the north side of Clinch river and on both sides of Emery river, granted to James Glasgow; and the courses of a tract of land in Jones county, lying on Crooked run, containing six hundred and forty acres, granted to Abraham Butler.*

WHEREAS it has been sufficiently proved to this General Assembly, that Benjamin Williams, of Brunswick county, hath an equitable right to a certain piece or parcel of land in the said county, formerly the property of William Simpson, on Mill creek, beginning at a stake in a bottom above the Bolplace, thence along said Simpson's own and Huse's line including the Bolplace, thence along his own and Huse's line to Roger Davis's line to a lightwood stake in a meadow, then across to the first station, including one hundred acres of land, being part of a tract of land patented by William Simpson, and by him conveyed to the before mentioned Benjamin Williams for a valuable consideration, on the fifteenth of September, one thousand seven hundred and seventy five.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the piece or parcel of land herein before described, with the appurtenances, be and the same is hereby confirmed to and vested in the said Benjamin Williams, his heirs and assigns forever.

And whereas it appears from the plan of the survey of a piece of land granted unto James Glasgow, Esquire, that the surveyor through mistake hath inserted in the certificate one course more than is laid down in the plan, whereby part of the land entered and intended to be granted is left out of the grant.

II. Be it therefore enacted, by the authority aforesaid, that from and after the passing of this act the courses of the aforesaid tract of land shall be as follows, to wit, beginning at two elms and a sycamore on the bank of the river, running thence north sixteen degrees east six hundred and ninety four poles to a stake William Blount's corner, thence along William Blount's line north sixty eight degrees west five hundred and sixty poles, thence south one hundred and fifty-six poles along said Glasgow's line of his one thousand acres survey to a stake, thence another of his lines of said

survey west four hundred and ninety poles to a black oak, thence south to Clinch river, thence up the meanders thereof, as laid down in the plan to the beginning: and that all the land contained in the above lines, be vested in the said James Glasgow, his heirs and assigns forever.

III. And be it further enacted, that the secretary be directed to alter the grant and record, and make them conformable to the above courses.

And whereas it also appears from the plan of a tract of land in Jones county, on Crooked run, granted to Abraham Buffet, that the surveyor hath in the certificate annexed to the plan of survey in the first course inserted a direct contrary course, whereby the land is thrown immediately off the actual survey.

IV. Be it therefore enacted, by the authority aforesaid, that hereafter the courses of said land shall be as follows, to wit, beginning at a black oak, running north sixty seven degrees east three hundred and twenty poles, then south twenty three degrees east three hundred and twenty poles, then south sixty seven degrees west three hundred and twenty poles, and from thence to the first station.

V. And be it further enacted, by the authority aforesaid, that all persons who have purchased lands within the aforesaid courses from the aforesaid Abraham Buffet, and those claiming from or under him, are hereby vested with an absolute right in fee simple to the lands purchased as aforesaid.

VI. Provided, that this act shall be not be construed or plead so as to affect any right derived otherwise than claiming by or under the said William Sampson, the said James Glasgow, and the said Abraham Buffet.

CHAP. LI. An act to enable William Beatty, administrator of the estate of James White, late of Bladen county, deceased, to sell the lands and tenements therein mentioned.

WHEREAS it is represented to this Assembly, that James White, late of Bladen county, was, at the time of his decease, greatly indebted, and that if the personal estate were applied to the payment of his debts, his widow and children would be destitute of support; wherefore,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said William Beatty, administrator as aforesaid, to sell and convey one lot of land, with the appurtenances, number one hundred and thirteen, in Elizabeth town; three hundred and twenty acres of land on the east side of Lyons's swamp; and a tract of land on Black river, known by the names of Shaw's old field, all which lands are situate in Bladen county aforesaid. And the said administrator is hereby empowered to make conveyance of the said lands to the purchasers, which shall be as effectual and valid in law, as if the same had been made by the said James White, in his lifetime.

II. And be it also enacted, that the said William Beatty shall advertise in the Fayetteville Gazette, the time and place to be appointed for the sale of the lands aforesaid, two months before such sale; and the same shall be sold on six months credit, the purchaser giving bond with sufficient security to the said Beatty, for payment of the purchase money.

III. And be it further enacted, that the said William Beatty shall apply the money arising from the sale of the lands aforesaid, to the payment of the debts of the said deceased; and the lands aforesaid, and the monies which shall arise from the sale of the same, shall not be liable to dower of the widow of the said deceased, any law to the contrary notwithstanding.

CHAP. LI. An act to vest certain lands therein mentioned in the monthly meeting of the people called quakers, of New-Garden, in Guilford county.

WHEREAS it appears to this General Assembly, that a certain Richard Williams, on the nineteenth of October, one thousand seven hundred and fifty-seven, did convey a certain tract of land situated in New-Garden, in Guilford county, to Henry Ballenger and Thomas Hunt, and their successors, in trust for the use and benefit of the monthly meeting of the people called quakers, in New-Garden in said county; and the said Henry Ballenger and Thomas Hunt being dead, and there being no successors or means of appointing such provided in the said deed or otherwise: for remedy whereof,

I. Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said tract and parcel of land conveyed by deed, bearing date as aforesaid, by the said Richard Williams to the said Henry Ballenger and Thomas Hunt, containing fifty-three acres, and situate in New-Garden, in the county of Guilford, and bounded as follows, to wit, beginning at a hickory saplin, running thence west eighty pole to a white oak post, thence south sixty four pole to a chestnut post, thence east twenty pole to a white oak post, thence south fifty six pole to a white oak post, thence east sixty poles to a blackjack saplin, thence north one hundred and twenty pole to the first station, be and the same is hereby vested in fee in the said monthly meeting of the people called the quakers, of New-Garden, in the county of Guilford, for the uses and purposes expressed in the said deed from the said Richard Williams to the said Henry Ballenger and Thomas Hunt; and the said monthly meeting of the people called quakers are hereby declared to be a body politic and corporate, and may and shall act as such in all matters respecting the said land and premises; and for that purpose may sue and be sued, plead and be impleaded, in any court of law or equity in this State.

CHAP. LII. *An act for erecting and establishing a town at Hawkins court-house.*

WHEREAS Joseph Rogers and James Hogan have signified to this General Assembly, that they are desirous a town should be established at *Hawkins* courthouse, on the lands belonging to them at that place; and it is represented further, that there are a number of lots already laid off and improved, that the situation is healthy and convenient, being on the great road from the eastward that leads to *Kentucky* and *Cumberland* settlements, and that many of the inhabitants of *Hawkins* have solicited the proprietors of the said land to have thirty acres thereof laid out into lots and established as a town.

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Thomas King, Thomas Hutchins, Joseph McCulloch, Thomas Jackson, and Elijah Chiffon, be and they are hereby appointed commissioners and trustees for designing, building, and carrying on a town at Hawkins court house, by the name of Rogersville; and they, or a majority of them, are hereby empowered and required to lay off thirty acres of land, including the public building at the said court-house, in half acre lots, with convenient streets and alleys; that they cause a plan of the said town to be made, and each lot to be particularly numbered, and that they, or a majority of them, cause the said thirty acres of land so laid off, to be conveyed to them jointly, as trustees for the said town.*

II. *And be it further enacted, that the said trustees aforesaid, shall reserve two or more lots, where the public buildings now stand, to be and remain public lots for the use of the county of Hawkins.*

III. *And be it further enacted, that the trustees aforesaid, or a majority of them, shall make good and lawful titles in fee simple, of all other lots in the said town of Rogersville, except the public lots herein reserved, to the respective purchasers of the same, describing each lot by the number thereof, and the street on which it lies.*

IV. *And be it further enacted, that in case of the death, refusal to act, or removal out of the county or state, of any of the trustees named in this act, the survivors of them are hereby empowered and required to appoint, from time to time, by instrument of writing, from under their hands and seals, some other person or persons, in place of him or them so dying, removing, or refusing to act, which said instrument shall be recorded in the court of the county of Hawkins, and the trustee or trustees so appointed, shall have the same power and authority as if him or they had been expressly named and appointed in this act.*

CHAP. LIII. *An act for cutting a canal from Juniper bay to Mattamuskeet lake, in Hyde county.*

WHEREAS it is represented to this General Assembly that the cutting a canal from *Juniper* bay to the said lake would drain a vast quantity of land, and would be productive of other salutary effects; and the people living near said lake being desirous that a legislative sanction might be obtained for the opening said canal:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Michael Peters, John Eborne, James Watson, Andrew Saunders, Seth Hovey, Benjamin Russell, John Alderson, William Harris, junior, and John Jordan, be and they are hereby declared commissioners, for the purpose of taking and receiving voluntary subscriptions, and for suing for and recovering all subscriptions so made; and they or a majority of them shall and may contract with any person or persons, at their discretion, to cut and open the aforesaid canal the most direct and advantageous way from *Juniper* bay to the lake aforesaid. Provided, that it shall not be lawful for the said commissioners to cut, or cause the said canal to be cut through any persons land without their consent.*

CHAP. LIV. *An act for establishing two places for holding general musters in the counties of Wilkes, Burke and Rutherford, and the place of holding courts martial; and for altering the manner of holding elections of members to represent said counties in the General Assembly.*

WHEREAS it is very inconvenient for the inhabitants of the county of Wilkes who live on the west side of the *Apalachian* mountain to attend general musters and elections at the court-house in said county: for remedy whereof,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that after the passing of this act, when the commanding officer of the militia in the county of Wilkes shall order a general muster of his regiment, it shall be in the following manner, to wit, that all the militia in said county living west of the *Apalachian* mountain, shall be ordered to meet at the plantation next above Col. Charles Corden's, on *Naked* creek of *New River*, where it shall be the duty of the lieutenant-colonel of said regiment to attend and discipline the militia aforesaid according to law, except a majority of the field officers in said county appoint some other of the field officers to attend said muster in the stead of the lieutenant colonel; in which case it shall be the duty of the field officer or field officers so appointed by the majority as aforesaid to attend said muster, and discipline the militia as aforesaid; which muster shall be the day preceding the day of the general muster of the inhabitants of the said county living on the east side of the *Apalachian* mountain; which muster last mentioned shall be held at the court-house as the law directs.*

II. *And be it further enacted, by the authority aforesaid, that a regimental court-martial shall be held as the law directs at the court-house in Wilkes county, on the next day after each general muster hereby directed to be held at the said court-house; which court-martial shall have as full and ample power and authority over the whole regime,*

if this act for dividing said muster had never been passed; any law or custom to the contrary notwithstanding.

III. *And be it further enacted, by the authority aforesaid,* that after the passing of this act, the annual election for said county be held in the following manner, to wit, the election shall begin at the plantation on *Naked creek* above mentioned, on the second *Tuesday* in *August* in every year, at ten o'clock in the morning, and shall continue until sunset of the same day in manner as by law directed, then the sheriff and inspectors shall seal up the ballot boxes, and shall proceed with the boxes and several lists of voters by them taken to *Wilkes court house*; and on *Saturday* next after the said *Thursday*, the polls shall be there opened and the seals taken off the ballot boxes at eight o'clock in the morning, and the sheriff and inspectors shall then proceed to conduct the remainder of said election in a fair and open manner as heretofore by law directed.

IV. *And be it further enacted by the authority aforesaid,* that in case of a special writ of election issuing by order of any future General Assembly, to elect a member or members to represent said county in the General Assembly, such election shall be held in the manner by this act directed, that is to say, said election shall be begun and held the first day at the plantation on *Naked creek* aforesaid, and on the third and last day at the court house in said county, having an intervening day for the purpose of conveying the ballot boxes from the plantation on *Naked creek* aforesaid to *Wilkes court-house* as before directed by this act; any law to the contrary notwithstanding.

V. *And be it enacted, by the authority aforesaid,* that the sheriff of said county is hereby directed and required to advertise all elections hereafter to be held at the several places directed by this act for holding said elections, agreeable to the law in that case made and provided.

VI. *And be it further enacted by the authority aforesaid,* that all the inhabitants on the west side of the *Apalachian* mountain, that is within the county of *Rutherford*, shall have full power and authority to hold all future elections on the second *Wednesday* and *Friday* of *August*, at the plantation where *William Burney* formerly lived, on *Cain creek*; elections and general musters to be under the same regulations for the county of *Rutherford*, as is provided by this act for the western inhabitants of the county of *Wilkes*; any law, usage or custom to the contrary notwithstanding.

VII. *And be it further enacted, by the authority aforesaid,* that captain *Smith's* company and the *Ivey* and *Cain* river company, being inhabitants of *Burke*, may hold their annual general musters at *Beefle's* mill, and they shall hold their election for members of Assembly at the said mill under the direction of the sheriff of *Burke*, or one of his deputies; which said election shall be held on the *Wednesday* preceding the second *Thursday* in *August* until sun-down, at which time the sheriff attending the same shall count out the tickets in presence of three freeholders who inspected the poll, and shall make out the list of the candidates balloted for, and set down the number of votes for each candidate in words at full length, which list shall be signed by the inspectors of the poll; then the said sheriff shall proceed to the court-house of *Burke*, and on the third *Friday* of *August* deliver in the list aforesaid, to the sheriff in presence of the inspectors who superintend at the court house, and also a list of the voters; and no person residing in the companies aforesaid shall be allowed to vote at any other place for members, but at said *Beefle's* mill.

CHAP. LV. *An act to empower the county court of Pitt to lay a tax annually for the purpose of building a court house, prison, and stocks, and for keeping the same in repair.*

I. *BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* that the county court of *Pitt* is hereby authorized and empowered to lay a tax annually for the purpose of building a court house, prison, and stocks, and for keeping the same in repair, not exceeding the sum of eight pence on every hundred acres of land in said county, and a poll-tax not exceeding two shillings like money on every taxable person, and a tax of two shillings on every hundred pounds value of town property in said county, which said tax shall be collected and accounted for in the same manner, at the same time, and by the same persons who are appointed to collect the public taxes in said county, and be paid into the hands of the commissioners hereafter named for building the court house, prison, and stocks; and that in case of refusal or neglect to pay the said money into the hands of the commissioners hereafter named, the person so neglecting or refusing, shall be liable to the same penalties, and the same mode of recovery shall or may be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes.

II. *And be it further enacted by the authority aforesaid,* that *James Armstrong, Shadrick Allen, John Moye, Arthur Forbes, Samuel Simpson, Benjamin Bell, and William Blount*, be, and hereby are appointed commissioners to receive, ask for, sue and recover the said tax from the sheriff of the said county, and to appropriate the same to the building a court house, prison, and stocks, and to dispose of the old court-house and prison for the most obtainable, as soon as may be after the new ones are completed; and it shall be a part of the duty of the said commissioners to lay a state of their accounts half yearly before the court of *Pitt*, and finally, after the buildings are completed, to settle with the court, deducting an adequate commission for their trouble. And in case of the death, removal, or refusal to act, of either of the before named commissioners, then it shall be lawful for the said county court of *Pitt* to appoint other commissioners in their stead, who shall have equal powers with those named in this act, and be subject to the same duties, pains and penalties.

CHAP. LXIII. *An act for the relief of such persons who may be wounded by the Indians within the district of Mero, and for other purposes.*

WHEREAS it hath been represented to the General Assembly, that several persons within the district of Mero being wounded by the *Indians*, had it not in their power to employ physicians, surgeons, nurser, or to provide themselves with the necessary medicines and attendance, by which means their lives have been much endangered: and whereas it is probable that several persons under the said circumstances have died for want of proper care: for remedy whereof,

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* that from and after the passing of this act, the county courts of *Davidson, Sumner and Tennessee* shall be and they are hereby empowered and authorised, whenever it may appear to their satisfaction that the person wounded by the *Indians* is not able to defray the expences of his treatment and cure, to pass the accounts of physicians, surgeons and nurser, and those for the necessary medicines, provisions and attendance, the same being properly attested and proven on oath; which accounts thus passed by the said courts shall be received in payment of all public taxes by the collectors, sheriff or other officers in said district; any law or custom to the contrary notwithstanding.

And whereas it is good policy to keep up a friendly intercourse with the *Indians* tribes in amity with the good people of this state.

II. *Be it therefore enacted, by the authority aforesaid,* that all accounts of provisions furnished to *Indians* within the district of *Mero* by any of the inhabitants thereof, being duly proven and upon oath, and the same being exhibited in the court of the county wherein such persons may reside, the said court shall be and is hereby empowered to pass all such accounts, and to fix the price of such provisions furnished to the *Indians*; which accounts thus passed by the court as aforesaid, shall be received in payment of any of the public taxes in said district; any law or custom to the contrary notwithstanding.

III. *Be it further enacted,* that on account of the scarcity of physicians and surgeons within the district of *Mero*, that all practising physicians and surgeons within the said district shall be exempt from all militia duty, except in the case of actual invasion or insurrection.

IV. *Be it further enacted,* that all acts of Assembly, or parts of acts, which come within the purview of this act, are hereby repealed and made null and void, to all intents and purposes as if the same had never been made.

CHAP. LXVIII. *An act to empower the wardens of the poor for the county of Franklin, Orange and Surry, to build a house or houses for the reception of the poor; and for amending the Wilmington town law.*

WHEREAS the poor should always be an object of legislative attention:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* that the wardens of the poor for the county of *Franklin* are hereby authorised and empowered to lay off and set apart so much of the lands reserved in the town of *Lewisburg* for the court-house, prison and stocks, as shall be necessary to erect a house or houses thereon, for the purpose of receiving and maintaining the poor of said county.

II. *And be it further enacted, by the authority aforesaid,* that the wardens of the poor for the county of *Franklin* are hereby authorised to call on the commissioners or other person or persons who may have in their hands the monies arising from the sale of the glebe in *Franklin* county, for the dividend or surplusage which may be due to said county of *Franklin*; and the said commissioners or other person or persons having the said monies in their hands, are hereby directed and required to pay the said surplusage or dividend of said monies into the hands of the wardens of the poor for the said county of *Franklin*.

III. *And be it further enacted, by the authority aforesaid,* that the said wardens of the poor for the county of *Franklin* are hereby authorised, directed and required to apply said monies toward building and erecting a house or houses on the lands above mentioned, which house or houses when built, with the lands so appropriated, shall be and remain to the use of the county aforesaid, under the directions of the wardens of the poor for said county, and to their successors forever.

IV. *And be it further enacted by the authority aforesaid,* that if the said glebe monies shall be found insufficient for the purpose aforesaid, that then and in that case the wardens of the poor for the said county of *Franklin*, are hereby authorised to lay a tax not exceeding the sum of one shilling specie on every poll, also a sum not exceeding four pence on every hundred acres of land, and a sum not exceeding one shilling on every hundred pounds value of town lots in said county of *Franklin*: which tax shall be collected by the same person appointed to collect the public taxes, and paid into the hands of the county wardens to be by them applied to the purpose aforesaid.

V. *And be it further enacted by the authority aforesaid,* that the court of the county of *Franklin* are hereby authorised and required to appoint two proper persons, inhabitants of the town of *Lewisburgh*, to value the lots in said town until the owners of said lots may become freeholders, any law to the contrary notwithstanding.

VI. *And be it further enacted by the authority aforesaid,* that the wardens of the poor for the county of *Surry* are hereby authorised and empowered to lay a tax, not exceeding one shilling on each poll, also a tax not exceeding four pence on every hundred acres of land, and a tax of one shilling on every hundred pounds value of town lots within said county of *Surry*; which tax shall be collected for the year one thousand seven hundred and ninety by the collectors for collecting public taxes, in the same manner and under the same rules and restrictions as are appointed for col-

lessing public taxes ; which taxes when so collected, shall be by said collectors paid into the hands of the wardens of the county of Surry for the sole purpose of building a house or houses at some convenient place for the reception of the poor ; which house or houses when built, shall be and remain for the use of the county aforesaid under the directions of the wardens of the poor for said county, and their successors forever.

VII. *And be it further enacted by the authority aforesaid*, that persons being incapable to support themselves or of self preservation, shall be under the care of the said wardens, who are empowered to dispose of them in said houses. *Provided always*, that if any such poor who came under the care of the wardens are able to work, the said wardens shall keep them employed on some suitable business for the benefit of such poor.

VIII. *And be it further enacted by the authority aforesaid*, that the overplus, if any remain after compleating said buildings, shall by said wardens be applied towards lessening the poor tax for said county.

IX. *And be it further enacted*, that all the powers herein given to the county of *Franklin*, shall be extended to the county of *Orange*, with respect to any building, poor or lunatics in the said county of *Orange*.

X. And for the better government and regulation of the town of *Wilmington*, *Be it enacted*, that in future each and every of the commissioners of the said town, and their successors respectively, during their continuance in office, shall be fully vested with the same powers and authorities for executing all laws and ordinances for the government of the said town, which the said commissioners now possess for those purposes when convened together.

XV Year of the Independence. The 1st of November, 1790.

CHAP. IV. *An act to enable the wardens of the poor for the counties of Pasquotank and Carteret, to build houses respectively for the reception of the poor of the said counties, and for levying a tax to defray the expence thereof.*

WHEREAS the building a house for the reception of the poor in each of the counties of *Pasquotank* and *Carteret*, will very much contrioute to their more comfortable subsistence :

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that for the county of *Pasquotank*, *Job Carver, Joseph Richardson, and Thomas Davis* ; and for the county of *Carteret*, *James Harker, Joseph Bell, junior, and David Hall*, be, and they, or a majority of them, are hereby appointed commissioners to superintend the building a house respectively for the reception of the poor of the said counties ; which shall be of such dimensions and structure as the wardens of the poor for the said counties shall design, and the said commissioners or a majority of them, are hereby invested with power to employ such and so many men for the purpose of erecting the said buildings as to them shall appear proper and necessary : and the said buildings when erected completely and finished, shall be appropriated to the sole use of the poor of the said counties, under which denomination shall be comprehended all such persons, of either sex, in the said counties, as shall by the wardens of the poor for the said counties be adjudged incapable, by means of old age or infirmity, of procuring subsistence for themselves. And the said wardens or a majority of them, shall appoint a keeper or overseer of the houses respectively, whose business and duty it shall be to preserve good order among the poor who shall inhabit the same, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing the said poor, by the said wardens or a majority of them : and the said keepers or overseers for their trouble shall be allowed each year of their service, to be ascertained as to the quantum thereof by the said wardens for the time being or a majority of them, and paid out of the tax which the wardens shall levy for the support of the poor : and each of the said poor inhabiting the said houses as shall be capable of labour of any kind, shall be moderately employed and kept to such labour, and the profits thereof shall be applied towards the support of the poor of the said counties : and the said keepers or overseers by directions of the wardens, from time to time, shall purchase provisions for the sustenance of the poor under their care, and shall be allowed for the same out of the said tax ; and at the end of each year shall account with the wardens on oath for all sums which may have been collected and have arisen from the labour of the said poor.

II. *Obsolete.*

III. *And be it further enacted*, that the said commissioners, at such place as the wardens shall direct, shall purchase two acres of ground whereon to erect the said buildings ; which shall be paid for out of the tax herein before laid to defray the expence of building the said houses.

IV. *And be it further enacted*, that if in case of death or refusal to act, the county courts respectively shall proceed to appoint other commissioners, and they or a majority of them, may proceed agreeably to the intent and meaning of this act to carry the same into effect.

CHAP. V. *An act to keep open Rockfish creek, in Cumberland county, from its mouth to the forks thereof.*

WHEREAS it is made appear to this General Assembly, that by opening of *Rockfish* creek as far up the same as the forks thereof, by erecting slips or such other convenience at or over the dams already across the said creek, or such as may be hereafter built on the same, would tend much to the benefit and advantage of those having property on the said creek : wherefore,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of*

the same, that every person or persons who hath or have built or erected any mill dam, or who may hereafter build or cause to be built any dam or dams on or across the said *Rocky* creek between the mouth of the said creek and the forks thereof, shall build, or cause to be built and erected, at, on or over such dam or dams a proper slip or other convenience, so as to admit the safe passage of saw-mill lumber, ton timber, staves, shingles or such other produce as is generally rafted over slips on *Little river* in *Cumberland* county.

II. Be it further enacted, by the authority aforesaid, that every person or persons refusing or neglecting to comply with this act, shall forfeit and pay to any person or persons who may be injured or receive damage by reason of such neglect or refusal, all damage sustained by the person or persons owning such lumber, ton timber, staves or shingles from the person or persons owning such dam or dams, upon the person or persons who may receive such damage or injury, producing sufficient proof of such lumber, ton timber, staves or shingles being properly rafted, and of the damage sustained for want of such slip or other convenience, to be recovered with costs before any jurisdiction having cognizance thereof. *Provided nevertheless*, that no such owner or owners of dams shall be obliged to make such slip or other convenience until the first day of *September* next.

CHAP. XXVII. *An act for building a court house in the town of Hillsborough, for the district of Hillsborough.*

WHEREAS the court house in the town of *Hillsborough*, in the county of *Orange*, has been lately consumed by fire, which has caused the courts of said county, as well as the superior courts, to be held in a private house by which means the business of the said courts is greatly delayed: for remedy whereof,

I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that *William Watters*, *Abraham Tatom* and *Jeduthan Harper*, Esquires, be and they are hereby appointed commissioners, for the purpose of building and erecting a good and sufficient court house on the same lot where the former one stood, the dimensions of which to be at the discretion of the said commissioners; and the said commissioners, or a majority of them, are hereby vested with full power and authority to sell and dispose of the brick and remains of the former court house in the said town of *Hillsborough*, and also to call for, demand and receive, of all and every person or persons suspected of having any of the remains of said court house in his, her or their possession.

II. III. *Obsolete.*

IV. And provided always, that the commissioners appointed in virtue of this act shall raise and keep separate accounts with the sheriffs of each and every county within the district aforesaid for the monies by this act to be collected, and when they shall have fully paid up what the said district court house may cost, shall return the overplus of any monies that may then remain in their hands to the respective counties that are hereby taxed for the raising the same, and to the inhabitants of the town of *Hillsborough*, in proportion to the sums by the aforesaid counties and town of *Hillsborough* so paid for the purpose aforesaid; and upon failure to pay and satisfy such surplus, the same shall be recovered by motion in any court of record, as against sheriffs and others holding public monies.

V. And be it further enacted, by the authority aforesaid, that before the said commissioners shall enter upon their said trust, or take into their hands any of the monies aforesaid, they shall enter into bond in the sum of three thousand pounds, payable to the Governor for the time being, conditioned that they will faithfully discharge the trust in them reposed by this act.

VI. And be it further enacted, by the authority aforesaid, that the commissioners by this act appointed, shall within thirty days after the passing the same, advertise in one or more of the most public places in the district, and also in the *Fayetteville* gazette, that they will let the said buildings to the lowest bidder, at the market house of the town of *Hillsborough*, on the day of

CHAP. XXIX. *An act to regulate and fix the price for inspecting and coopering tobacco at Fayetteville.*

WHEREAS the laws now in force in this State, regulating the fees of inspectors, coopers, pickers and turners up of tobacco, have been found from experience not sufficient to prevent frauds and impositions: to prevent which,

I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the inspectors that are or shall hereafter be appointed to inspect tobacco at the several warehouses in the town of *Fayetteville*, shall and may take and receive, for inspecting, turning up, coopering, finding nails, hoops, and issuing a note for the same, the sum of eight shillings for each waggoned hoghead of tobacco; and for inspecting, turning up, coopering, finding nails and issuing a note for each rolled hoghead of tobacco, the sum of ten shillings, and no more.

II. And be it further enacted by the authority aforesaid, that the inspectors or pickers of tobacco at the said several ware houses, shall be entitled to and receive for picking tobacco, one fifteenth of all parcels of tobacco so picked by them.

III. And be it further enacted by the authority aforesaid, that the inspectors of tobacco at the said ware houses shall be entitled and have the sole benefit of turning up, coopering and prizing of tobacco at the ware houses to which they are respectively appointed; and if any inspector or inspectors at the said ware houses, should ask, take or receive any greater fees than are by this act allowed, he or they so offending, shall upon conviction thereof, forfeit and pay the sum of five pounds for each and every such offence, to be recovered before any jurisdiction having cognizance

thereof, by and for the use of any person suing for the same.

IV. *And be it further enacted by the authority aforesaid*, that the inspectors of tobacco at the several ware houses, shall enter into bond with sufficient security in the penalty of fifty pounds, at next *Cumberland* court, payable to the county of *Cumberland*, for the faithful performance of the duties enjoined by this act respecting the turning up, cooping and prizing of tobacco. *Provided always*, that the owner or owners of tobacco who may leave the same at any of the said ware houses for inspection, shall have the liberty of turning up, prizing and cooping the same under the directions of the inspectors, which inspectors in all such cases shall be only entitled to receive four shillings as usual for the inspecting each hoghead of tobacco and issuing a note for the same.

V. *And be it further enacted by the authority aforesaid*, that the owners of the several tobacco ware houses at *Fayetteville*, who are entitled to storage for tobacco stored therein, shall deliver the same to the owner of such tobacco so stored, at the door of the ware house, on application of the owner or shipper of such tobacco.

VI. *And be it further enacted by the authority aforesaid*, that in future the inspectors of tobacco in this state shall be allowed twenty shillings for inspecting, prizing, finding nails and cooping each hoghead of transfer tobacco, so as to make the same the weight of a crop hoghead and fit for exportation, and no more, exclusive of the hoghead in which the same is reprized.

CHAP. XXX. *An act to establish a town at the place fixed upon for the court-house in the county of Stokes.*

WHEREAS it hath been represented to this General Assembly that it is a pleasant, healthy situation, and that *Michael Fry* and *Henry Fry* have made a deed in fee-simple of twenty-three acres of land to *Charles M'Annally* and *Gray Bynum*, for the use of the said county:

I. *Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that on the said lands so laid off be established a town agreeable to the scheme and plan thereof, by the name of *Germanton*.

II. *Be it further enacted, by the authority aforesaid*, that *Gray Bynum*, *Charles M'Annally*, *Anthony Billing*, *James Mukey* and *John Halbert* be constituted commissioners and trustees for carrying on and regulating the said town, and they shall stand seized of an indefeasible estate in fee simple in the twenty-three acres of land as aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners, or a majority of them, shall have full power and authority to meet as often as they shall think proper to make such regulations as they shall judge most convenient.

III. *And be it enacted*, that a majority of the commissioners aforesaid, shall have full power to sell and dispose of the lots in said town, make and execute deeds in fee simple to the respective purchaser or purchasers for the same.

IV. *And be it enacted*, that the respective purchasers of lots shall pay and satisfy the commissioners for whatever sum or sums they may severally incur by purchasing lots from the said commissioners, and in case of neglect of any purchaser to pay the sum or sums that may be incurred as aforesaid, that then and in that case the commissioners, or a majority of them, may commence a suit or suits in their own name, and therein recover judgment; and the said commissioners, as soon as they shall receive the money by the sales as aforesaid, shall pay the same into the hands of the commissioners for letting the public buildings in said county, and be applied towards defraying the expence of the buildings aforesaid. *Provided nevertheless*, before the said commissioners receive the money aforesaid, they shall enter into bond with good security in the sum of five hundred pounds for their faithful application of the monies so received by them.

IV. *And be it further enacted*, that in case of the death, refusal to act, or removal out of the county of any of the commissioners, the court of the county are hereby empowered to appoint some other person being a freeholder, in the place of him so dying, refusing to act, or removing; which commissioners or trustees shall have the same power and authority as if they had been appointed by this act.

CHAP. XXXI. *An act for building a court house in the town of Wilmington, for the district of Wilmington, and to empower the Justices of New-Hanover county to increase the county tax.*

WHEREAS the court house of said district was pulled down by the commissioners of *Wilmington*, to prevent the said town from being destroyed by fire, and it is necessary that a new one should be erected.

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that *William Campbell*, *James Walker*, *Robert Nixon*, *Thomas Owens*, *Duncan Stewart*, *William Espy*, *Lord George Wease*, *James Gillespie*, *Shadrach Stallings*, *Robert W. Snead*, and *John Spicer*, Esquires, be appointed commissioners for building and finishing a good sufficient district court house in the said town; and the said commissioners are required to have the same built of brick and covered with slate or tile, of the same dimensions and on the same spot as the former court house stood, or so near thereto as an oval form may admit; and the commissioners are further required to build the said court house of an oval elliptical form on arches of a height sufficient to admit of a convenient walk underneath, which space shall be appropriated for no other use or purpose whatever; and should any person offend against this act by exposing to sale therein any fish, flesh or other article usually carried to market for open sale, he or she shall forfeit and pay for each offence five pounds, to be recovered before any jurisdiction having cognizance thereof, for the use of the person informing and suing for the same.

II. *And be it further enacted*, that the commissioners before mentioned shall have power, and they are hereby strictly required, as soon as may be, to call to account the commissioners formerly appointed by act of Assembly for the purpose of building a gaol for the said district, for all monies, materials for building, or other articles which may remain or of right ought to be in their hands; and in case the said gaol commissioners refuse or neglect to pay up the money, and deliver the said materials and articles above mentioned, on or before the first day of *May* next, then it shall and may be lawful for the court house commissioners herein appointed, and they are hereby directed, to pray for a judgment in the former court of law and equity for the district of *Wilmington*, at the term next ensuing the present *December* term, and to enter up the same without further delay.

III. *And be it further enacted by the authority aforesaid*, that a tax of two shillings and four pence on every hundred pounds value of town property in the county of *New Hanover*, and a tax of two shillings and four pence on each poll, and a tax of nine pence on every hundred acres of land in the said county; and that a tax of one shilling on every hundred pounds value of town property in the counties of *Brunswick Bladen*, *Duplin* and *Onslow*, and a tax of one shilling on each poll, and a tax of four pence on every hundred acres of land in the said counties, shall be levied and collected in the same manner, and under the same penalties as the public taxes are, and shall in like manner be paid to the commissioners, or to their order, under the same pains and penalties for non payment as may be had for the non payment of public taxes, and the same recoveries are hereby granted to the commissioners against collectors of the district tax, as are had against the collectors of public taxes.

IV. *And for the better security of the monies when collected*, *Be it enacted by the authority aforesaid*, that the said commissioners, or a majority of them, shall appoint a treasurer to receive the same, who shall enter into bond with the penalty of three thousand pounds, payable to the said commissioners, conditioned that he will when thereto required pay to the order of the said commissioners, all such sums of money which he shall receive for their use under this act, after deducting five per cent. for his trouble in receiving and paying the same; which bond shall be lodged in the office of the clerk of the superior court of *Wilmington* district; and the aforesaid commissioners, or a majority of them, which majority shall constitute a sufficient board for performing any business by this act required, shall begin to erect the before mentioned court house as soon as they have received the sum of five hundred pounds by virtue of this act.

V. *And be it further enacted by the authority aforesaid*, that hereafter the Justices of the county court of *New-Hanover* shall have liberty, at their discretion, to raise the tax for the contingent charges of that county from one shilling on the poll, and in that proportion to two shillings on the poll, and in that proportion, whenever a majority of the acting Justices of the said county of *New Hanover* shall deem the same necessary.

CHAP. XXXII. *An act to make Cross-creek navigable.*

WHEREAS it has been made appear to this Assembly, that the navigation of *Cross-creek* would be of public utility:

I. *Be it enacted by the General Assembly of North Carolina, and it is enacted, by the authority of the same*, that *James Hogg*, *William Barry Grove*, *James Cross*, *James Porterfield*, *Richard Cochran*, *Peter Perry*, *Robert Adam*, *Robert Rowan*, *John Ingram*, *Gabriel Debrutz*, *Walter Alves*, *John Winslow*, *Nathan Stedman* and *Isaac Buckloe*, and such others as have been or shall be admitted into their company for the purpose of making *Cross-creek* navigable, are hereby declared to be a body corporate, by the name of the *Fayetteville Canal Company*.

II. *And be it further enacted, by the authority aforesaid*, that the said company shall be capable to sue and be sued before any jurisdiction within this state, and they may elect and appoint all necessary officers, and from time to time make such rules, regulations and bye-laws, for the management and conducting of the said navigation, as they shall think proper; *provided*, they shall not be repugnant to or inconsistent with the laws and constitution of this state.

III. *And be it further enacted, by the authority aforesaid*, that the said company are hereby authorised and empowered to erect such dams and locks on and across the said creek, as may be needful to clear it from trees, logs and other such things by which the said navigation might be obstructed, to widen the creek where necessary, and to carry on all other works on the said creek and banks thereof, as may be found necessary for completing and preserving the said navigation, and to have the privilege of a way on each side the said canal, not exceeding eight feet wide, for men or horses, as far as may be necessary for hauling boats or rafts along said creek: *Provided always*, no lands shall be taken from the proprietors of lands on the said creek, save for the purpose of houses for the lock-keepers and persons appointed to receive toll, except as herein before recited.

IV. *And be it further enacted*, that it shall and may be lawful for the said company, their heirs and assigns, to exact and levy by way of toll on all boats, rafts, goods or articles whatever, that shall pass or be carried on or through the said navigable creek, such sums or rates as may hereafter be established by law.

V. *And be it further enacted by the authority aforesaid*, that the property of the said works and navigation, including all the rights, privileges and immunities hereby granted, with all the profits that may arise therefrom, are hereby vested in the said company, their heirs and assigns, forever, as tenants in common, in proportion to their respective shares.

VI. *Provided nevertheless*, that all damages occasioned by the works necessary for the said navigation, shall be valued by a jury to be appointed by the county court of *Cumberland*, or in the option of the party whose property is injured by a jury mutually chosen by both parties, each of which jury shall take the following oath:

I A. B. do swear, that I will faithfully and truly value what damage or injury of the works of the canal company, (strict regard being had to the state of the property before the passing of this law.) And the value so assessed by the said jury, shall be paid by the said company to the proprietor of the land or other property so damaged. *Provided*, that it shall not be lawful for any proprietor to act as a Justice at the appointment of such jury.

VII. And be it further enacted, that unless the said navigation shall be rendered useful within the term of three years from the passing of this act, the privileges hereby granted shall be void.

CHAP. XXXIII. *An act for the inspection of tobacco on Dan river, on the land of Thomas Harrison in Caswell county.*

WHEREAS a number of inhabitants of the county of Caswell has petitioned this General Assembly for an inspection of tobacco to be established on Dan river :

I. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that the county court of Caswell shall appoint two discreet and careful men, well acquainted with the nature of tobacco, to be inspectors thereof, who shall take the same oath, and be subject to the same rules, regulations and restrictions, and shall be entitled to the same fees, emoluments and immunities, as the inspectors of tobacco at Raton's ferry are entitled to by an act passed this present session of Assembly.

CHAP. XXXIV. *An act for vesting the property of certain negroes in the heirs of Mark Newby.*

WHEREAS it is the earnest request of Ezekial Arrington, who intermarried with one of the heirs of Mark Newby, late of Perquimons county, that the property of certain negroes emancipated by the said Mark Newby, in his lifetime, may by an act of this Assembly be vested in the heirs of the said Mark Newby :

I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same, that the heirs of the said Mark Newby shall have full power and authority to hold and possess, sell and dispose of, sue for and recover the said negroes, in the same manner as they may any other part or parcel of their property ; and finally, that the right to the said negroes shall vest and continue in the heirs of the said Mark Newby, as fully and completely, as if no such emancipation had ever taken place ; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXV. *An act to establish the titles of several tracts of lands in Simon, David, William, Jonathan and Polly Turner.*

WHEREAS it appears to this General Assembly that Simon Turner, late of Wake county, deceased, made his last will and testament in writing, bearing date the ninth day of April, in the year one thousand seven hundred and eighty three, and afterwards died, that is to say, on or about the tenth day of the same month, by which said will the said Simon devised several tracts of land therein mentioned to his several sons, to wit, Simon Turner, David Turner, William Turner, Jonathan Turner, and his daughter Polly Turner respectively, as by the said will may more fully appear : and whereas it is doubtful from the words of the said will, whether the testator intended to give his said sons and daughter fee simple estates or only life estates in said lands, but it appearing from the affidavit of William Holland, who wrote the said will, that it was the intension of the testator to give his said sons and daughter full and absolute estates in fee-simple in the several tracts of land to them devised as aforesaid, and that the omission of the proper words of inheritance in the said will, was entirely owing to the hurry in which the said will was obliged to be written ; and it also appears to this Assembly that John Turner, late of the said county of Cumberland, who was the eldest son and heir at law of the said Simon Turner, deceased, was fully convinced of the truth of his said father's intentions to give his said sons and daughter estates in fee in the said lands as aforesaid :

I. Be it therefore enacted, that the several tracts of land devised to the said Simon Turner, David Turner, William Turner, Jonathan Turner and Polly Turner, by the said Simon Turner, deceased, as aforesaid, be vested in the said Simon, David, William, Jonathan and Polly respectively, their heirs and assigns, forever, in as full and absolute manner as if the said deceased had by his said will devised said lands to the said Simon, David, William, Jonathan and Polly respectively, and their heirs and assigns, forever.

CHAP. XXXVI. *An act for the relief of Thomas Ridge.*

WHEREAS it is represented to this General Assembly that Thomas Ridge, of Surry county, hath been charged with house burning in the course of the late war ; and as it appears that the said Thomas Ridge proceeded in the matter charged against him agreeable to the command of his officers,

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that the said Thomas Ridge be pardoned and clearly exonerated from the charge aforesaid, any law to the contrary notwithstanding.

CHAP. XXXVII. *An act to alter the names of certain persons therein mentioned.*

WHEREAS Benjamin Wheatly, of the county of Martin, has by petition requested that the names of Henry, Mary, Lydia and Benjamin Nobles, children of Elizabeth Nobles, should be altered, and that they should henceforward be known by the names of Henry, Mary, Lydia and Benjamin Wheatly: and whereas it appears that the said Benjamin Wheatly is the reputed father of the said Henry, Mary, Lydia and Benjamin Nobles, and having no lawful issue in desirous of leaving to them the property he possesses:

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that henceforward and forever hereafter, the said Henry, Mary, Lydia and Benjamin Nobles, shall be known and distinguished by the names of Henry Wheatly, Mary Wheatly, Lydia Wheatly and Benjamin Wheatly, and by those names shall have right to inherit and claim any estate, either real or personal, which may be devised to them or either of them by the said petitioner, Benjamin Wheatly, in as full and ample manner as if they the said Henry, Mary, Lydia and Benjamin had been born in wedlock, and had been from the time of their births considered as the legitimate children of the said Benjamin Wheatly and Elizabeth Nobles; and shall forever be placed in the same situation, and be considered to all intents and purposes in the same point of view, as though they legally descended from the said Benjamin Wheatly and Elizabeth Nobles, and had been born in wedlock as aforesaid.

CHAP. XXXVIII. *An act directing the entry-taker of Rutherford county to deliver certain warrants therein mentioned to the surveyor of said county.*

WHEREAS it hath been made appear to the satisfaction of this General Assembly, that David Miller, entry-taker of Rutherford county, was directed by a resolve of the last General Assembly to issue new warrants in place of numbers that had been defaced by the surveyor of said county, and said Miller refusing to comply with said resolution is much to the injury of a number of the inhabitants of said county: for remedy whereof,

I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that David Miller, entry-taker of Rutherford county, shall before the first day of March next deliver to the surveyor of said county, a new warrant in place of each warrant which has been or may be returned defaced by the surveyor of said county, or by the secretary of state, previous to the first day of March next, under the penalty of fifty pounds for neglect or refusal on each warrant, to be recovered before any jurisdiction having cognizance thereof, one half to be applied to the benefit of the poor of the county, and the other to the use of the state, and shall further be liable to a special action on the case for whatsoever damages any person may sustain by neglect or refusal to comply with this act. *Provided nevertheless*, that a demand be made upon said entry-taker for a renewal of such defaced warrants previous to the time specified in the above act.

V. And be it further enacted, that the entry-taker aforesaid shall be entitled to demand and receive from the surveyor the sum of two shillings for every warrant issued in consequence of this act, any thing to the contrary notwithstanding.

CHAP. XXXIX. *An act to authorise the commissioners of the town of Edenton, to grant doctor Samuel Dickinson a certain water lot in the said town.*

WHEREAS it is represented to this General Assembly that doctor Samuel Dickinson, of the town of Edenton, is desirous of completing a wharf in the said town for the public benefit alone:

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the commissioners of the town of Edenton do grant unto the said Samuel Dickinson, and his heirs and assigns, forever, a deed in fee simple of part of a certain water lot in the said town, containing three hundred and forty feet in length and thirty feet in breadth, lying contiguous and adjacent to the water lot and wharf at present possessed by the said Samuel Dickinson, and bounded by the said lot and wharf and by the streets commonly known and called by the name of the Market and Water-streets, under the following provisos and restrictions:—*First*, that the said water lot and wharf thereon to be built by the said Samuel Dickinson, shall be free to all persons, and exempt from all wharfage and duty whatever.—*Second*, that the said Samuel Dickinson shall complete the same within the space of five years, and thereafter to keep the same in good repair, otherwise the grant of the commissioners to be invalid and of no effect.—*And Third*, that the said wharf, when built and completed, shall be subject to the bye-laws and regulations of the commissioners of the said town.

CHAP. XL. *An act to amend an act passed at Fayetteville, in the year one thousand seven hundred and eighty eight, entitled, an act to authorise and enable John Colson to return to this state and exercise the privileges therein mentioned. See the appendix.*

WHEREAS it has been made appear to this General Assembly, that the said John Colson has in obedience to the above recited act taken the oath of allegiance and fidelity to this state as by law prescribed, of which there is a record in the Clerk's office of the county court of Anson.

I. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, it shall and may be lawful for the said John Colson to sue or be

sued, implead and be impleaded, answer or be answered, in any court of record either in law or equity in this state, for all and singular estate, either real or personal, in any manner whatsoever, in as full, plain and ample a manner, to all intents and purposes, as if the said John Colson had not withdrawn himself from the protection of this state, any law, custom or usage to the contrary notwithstanding: *Provided*, that nothing herein contained shall be construed to invalidate the sales of any lands or other property, that have been or hereafter may be sold under any of the confiscation laws of this state, late the property of the said John Colson.

CHAP. XLII. *An act for making conformable to the plan, the second courses of a tract of land lying in Jones county formerly Craven, granted by patent to John Richards, bearing date the twenty fourth day of November, in the year one thousand seven hundred and thirty-eight, containing three hundred acres lying on both sides of Trent river.*

WHEREAS it appears from the plan of the survey of the aforesaid tract of land granted to John Richards, that the surveyor through mistake hath inserted in the certificate, in the second line, a wrong course, whereby part of the land intended to be granted is left out of the patent:

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act, the courses of the aforesaid tract of land shall be as follows, to wit, beginning at a pine, the original corner, on the south side of Trent river, from thence south thirty east two hundred and forty poles, then north sixty east one hundred and eighty poles, then north thirty west two hundred and forty poles, then south sixty east one hundred and eighty poles to the beginning; and that all the land contained within the aforesaid lines, be vested in the aforesaid John Richards, his heirs and assigns, forever.

II. *And be it further enacted by the authority aforesaid*, that all persons claiming by, from or under the said John Richards, by gift, deed, purchase or otherwise, are vested with an absolute right in fee-simple to the lands purchased as aforesaid: *Provided*, that this act shall not be construed or pleaded so as to affect any right derived otherwise than claiming by or under the said John Richards.

CHAP. XLIII. *An act to amend an act, passed at Hillsborough, in April, one thousand seven hundred and eighty four, entitled, An act to encourage Enoch Sawyer to make a road through Pasquotank river swamp opposite his plantation. p. 139.*

WHEREAS it is required by the above recited act that the road or causeway through Pasquotank river swamp shall be at least twenty feet wide, which would add greatly to the expence of making said road, and is more than would be necessary or useful: for remedy whereof,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that sixteen feet in breadth, and otherwise answering the description of the said act, shall be deemed and held a good and sufficient road.

II. *And be it further enacted, by the authority aforesaid*, that when the said road shall be finished, the court of Camden county, upon a petition of the said Enoch Sawyer, shall rate the ferriage or ferriages which he may be entitled to receive: *Provided*, that a majority of all the Justices of the said county shall then be present.

III. *And be it further enacted, by the authority aforesaid*, that so much of the aforesaid act as comes in the purview and meaning of this act, is hereby repealed and made void.

CHAP. XLIV. *An act to establish the tobacco ware-house now building by James Ritchie and John Winslow, at Fayetteville, and to empower the county court to appoint inspectors to the same.*

WHEREAS the increased quantity of tobacco now brought to the market of Fayetteville will render an additional ware house of public utility, and whereas James Ritchie and John Winslow have in considerable forwardness one for that purpose:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that as soon as the said ware house is compleated for the reception of tobacco, it shall and may be lawful for the county court of Cumberland, and it is hereby authorised and directed to appoint two inspectors to the said ware house, subject to the same regulations, fines and forfeitures, and entitled to the same privileges and emoluments as inspectors heretofore appointed. *Provided*, that the inspectors to be appointed by virtue of this act shall not be the same as those appointed to other ware houses in said town.

II. *And be it further enacted, by the authority aforesaid*, that it shall and may be lawful for the said James Ritchie and John Winslow to demand and receive the same storage on tobacco inspected in their ware-house as has heretofore been received in the other ware-houses established in Fayetteville.

III. *And be it further enacted*, that no preference shall be given by said court to any established ware house erected in Fayetteville, any law, usage or custom to the contrary notwithstanding.

CHAP. XLIV. *An act to confirm unto Thomas Pool Williams, of Currituck county, an indefeasible title to two acres of land at Bellville, in Currituck county.*

WHEREAS *Thomas M'Night*, late of Currituck county, did convey some years past to several trustees appointed by law, two acres of land situated in said county, for the purpose of erecting a chapel; and it is made appear to this General Assembly that the said two acres of land are not so situated as to answer the purpose intended: and whereas the said *Thomas Pool Williams*, of the said county, now offers to the trustees appointed by an act, entitled, *An act for the promotion of learning in the county of Currituck*, passed at the last General Assembly, to convey two acres of land, for the purpose of erecting a chapel and a seminary of learning thereon, in a more commodious and convenient place, in lieu of the two granted by the said *Thomas M'Night*:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the aforesaid two acres of land granted by *Thomas M'Night*, are hereby vested in the said *Thomas Pool Williams*, his heirs and assigns, forever; any law to the contrary notwithstanding: *Provided*, that this act shall not be in force until the above named, *Thomas Pool Williams*, his heirs or assigns, shall make a good and sufficient title for the said two acres of land to the trustees of Currituck academy. *p. 223.

CHAP. XLV. *An act to vest the property of certain lots of land situated in the town of Tarborough, in Edmund Hall and his heirs.*

WHEREAS it appears to this General Assembly just and reasonable, that the property of two lots of land situated in the town of *Tarborough*, and known and distinguished in the plan of the said town by the numbers ninety-five and ninety-eight, should vest in *Edmund Hall* and his heirs.

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the property, right and title of and to the said two lots of and situated and known as aforesaid, shall vest fully, absolutely and completely in the said *Edmund Hall*, and his heirs; and he is hereby declared to have full power and authority to possess, enjoy and dispose of the said two lots as to him may seem meet consistently with the laws of the land, any law to the contrary notwithstanding.

CHAP. XLVI. *An act to repeal the fifth and sixth sections of an act, passed at Hillsborough, in the year one thousand seven hundred and eighty four, entitled, An act to amend and act, entitled, An act for the regulation of the town of Wilmington. p. 23. & 132.*

WHEREAS it is represented to this General Assembly, that the said fifth and sixth sections of the above recited act are inconvenient and injurious to the people for whose advantage they were intended:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act, the said fifth and sixth sections of the above recited act be repealed, and they accordingly are declared void.

CHAP. XLVII. *An act to establish two places in the county of Caswell for the purpose of holding two general musters therein.*

WHEREAS from the length of the county of *Caswell*, and the many water courses therein, it has been found by experience expensive, inconvenient, and in times of high waters, dangerous to attend general musters:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act the county of *Caswell* shall be divided into districts, the eastern district shall consist of the companies belonging to the districts of *Saint Lawrence*, *Nash*, *Saint James* and *Saint Luke*; and the western district shall consist of the companies belonging to the districts of *Richmond*, *Gloucester*, *Saint David* and *Caswell*; that the place for holding the general muster for the eastern district, shall be at the house of *John Payne*; that the place for holding the general muster for the western district, shall be at the place where the four districts meet: the militia of the whole county, the eastern as well as the western district, shall nevertheless each hold their general muster in the respective districts and places, agreeably to the directions of the act for establishing a militia in this state.

II. *And be it further enacted*, that the colonel or commanding officer of said county is hereby directed and required to have the inhabitants warned to attend, accoutred as usual, at the two aforementioned places respectively: and it is hereby further required, that the colonel or commanding officer of said county shall attend at either of the musters heretofore mentioned, to review the same under exercises, and that he appoint or direct the lieutenant colonel, major or other officer next in command, as the case may be, to give attendance at the muster of the other district in said county, for the purpose of disciplining the men.

III. *And be it further enacted*, that the place for holding courts martial for the said county shall be at the court house as usual, and delinquents shall appear from each district aforementioned, in order for trial.

CHAP. XLIX. *An act to amend an act, passed at Hillsborough, in the year of our Lord one thousand seven hundred and eighty four, entitled, An act for extending the navigation of Roanoke river.* p. 122.

WHEREAS many of the trustees who were appointed by the above recited act, for extending the navigation of Roanoke river from the falls upwards, have refused and neglected to perform the duties required of them by the above recited act: for remedy whereof,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that the following persons, to wit, *Abraham Bostick, Lemuel Smith, Harry Terril, Valentine Allen, Robert Galaway, William Astin, John Leake, Thomas Harrison, Dudley Gatewood, Richard Saunders, Thomas Person, Memucan Hunt, Robert Burton, Thomas Eaton, James Paine, John Moseley, John Faulcon, Benjamin Williamson, Benjamin Edwards, and Samuel Lockhart,* are nominated, constituted and appointed trustees in their stead; and they and each of the persons named in this act as trustees, are hereby vested with every power, jurisdiction and authority which were given to the trustees by the act above recited.

II. *And be it further enacted, by the authority aforesaid,* that the trustees residing in any county through which the river aforesaid passes, shall superintend the clearing of the said river so far as it lies within the limits of their respective counties.

III. *And be it further enacted by the authority aforesaid,* that if any of the trustees herein before appointed should die, refuse to act or remove out of the county, the court of such county shall nominate and appoint some discreet person or persons in the place and stead of him or them so refusing to act, dying or removing out of the county; which person or persons so appointed, shall have the same powers and authorities, and be under the same rules and regulations, as those appointed by this act.

IV. *And be it further enacted by the authority aforesaid,* that so much of the said before recited act, passed at Hillsborough, in the year of our Lord one thousand seven hundred and eighty-four, entitled, *An act for extending the navigation of Roanoke river,* as is contradictory to this act, be and the same is hereby repealed.

CHAP. L. *An act to establish an inspection of tobacco at the ferry of Thomas Eaton on Roanoke.*

WHEREAS it may be beneficial to many of the citizens of this state, that an inspection of tobacco be established in Warren county on the north side of Roanoke river, at the place where Thomas Eaton lately lived.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, by the authority of the same,* that the county court of Warren shall annually appoint two discreet and careful men, well acquainted with the nature and quality of tobacco, to be inspectors thereof, who shall take the same oath be subject to the same rules, regulations and restrictions which inspectors of tobacco are subject to in this state.

II. *And be it further enacted by the authority aforesaid,* that the inspectors so appointed shall have and receive from the owners of tobacco, the sum of four shillings for each and every hoghead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble.

III. *And be it further enacted by the authority aforesaid,* that the tobacco so inspected, shall be held and deemed merchantable, as if the same had been inspected at any other inspection in this state.

CHAP. LII. *An act granting to the inhabitants of Rowan county, living between the north and south forks of the Yadkin river, the privilege of holding separate general musters.*

WHEREAS it is found to be inconvenient for the inhabitants of that part of Rowan county lying between the north and south forks of the Yadkin river, to attend the general musters of the first battalion of the militia of said county, which are held in the town of Salisbury:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* that the colonel or commanding officer of the first battalion of militia in the said county of Rowan, shall order and cause a muster of the companies of his battalion who inhabit between the north and south forks of the Yadkin river to be held at the house of *Andrew Mank,* on the day preceding every general muster of the said battalion in the town of *Salisbury;* and the said companies who belong between the north and south forks of the Yadkin, shall appear at the musters hereby established at *Andrew Mank's* aforesaid, on the days appointed for that purpose, and be exercised, disciplined, armed and accoutred, in the same manner, and under the same regulations, and shall be subject to the same pains and penalties, fines and forfeitures, for disobedience or neglect, as by law is prescribed for the regulation of other general musters in this state: And the lieutenant colonel or major of the first battalion, shall attend the half battalion musters hereby appointed, at the house of *Andrew Mank* aforesaid.

II. *And be it further enacted,* that the captains and subaltern officers of the said half battalion, shall attend the court-martial of the first battalion regularly, on the days next after every general muster of the said battalion in the town of *Salisbury,* under the same forfeitures and penalties for neglect or refusal, as they would have been subject to in case this law had never been made; and the said officers of the half battalion aforesaid shall compose part of the battalion court martial as heretofore.

CHAP. LIII. *An act to appoint commissioners to direct and establish a gap or slope at the mill dam of Samuel High, at the falls of Neuse river, in Wake county, and to repeal so much of an act, passed at Tarborough, in the year one thousand seven hundred and eighty seven, as comes within the purview of this act.*

WHEREAS it is represented to this General Assembly, that Samuel High, of the county of Wake, hath lately erected a mill at the falls of Neuse river, in the county aforesaid, which is found to be of great utility to that part of the country; and as it may in some measure retard the passage of fish from that place up the said river:

I. *Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that Dempsey Powell, Francis Perry, William Martin, William Symms and Peter Bruce, or a majority of them, be and they are hereby authorized and required, to cause such gap or slope to be made in the said mill-dam, not less than eight feet in width, at the expence of the proprietor thereof, as may to them appear sufficient for the free passage of fish, to be completed and effected on or before the twentieth day of February, one thousand seven hundred and ninety one; which said gap or slope shall be kept open from the said twentieth day of February, until the first day of May annually, under the penalty of five pounds for every twenty-four hours that the said slope or gap shall not be kept open by the said Samuel High, or any other person or persons claiming the said mill, to be recovered by warrant before any Justice of the Peace, one half to the use of the informer suing for the same, the other half for the use of the poor in the county of Wake.*

II. *And be it further enacted by the authority aforesaid, that so much of an act passed at Tarborough, in the year one thousand seven hundred and eighty seven, entitled, An act to remove all obstructions to the passage of fish up the Neuse river, p. 210. as comes within the purview of this act, be and the same is hereby repealed and made void.*

CHAP. LIV. *An act directing the time and place of holding the annual elections in the county of Hyde.*

WHEREAS by an act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled, *An act to alter the time of electing members of the General Assembly of this State,* there have many doubts respecting the time of holding the elections in the county of Hyde, there being two elections in the said county: for remedy whereof,

I. *Be it enacted, that from and after the passing of this act, the annual elections for the county of Hyde shall be held and taken in the following manner, that is to say, the election shall begin at the house of Mr. Jefferies, at the Lake landing, on Mattamuskeet, the first Friday in August in every year, and continue open until sun set of the same day, in manner by law directed; and the sheriff and inspectors shall seal up the ballot boxes and the several lists of voters, which shall by them be taken to the court-house in Currituck, and on the second Friday of August, being the last day of the annual elections throughout the state, the poll shall be opened, the seals taken off the ballot-boxes, and the elections continued until sun set, for such of the county electors who shall not have voted before; and the poll shall be open both days at ten o'clock.*

II. *And be it further enacted, by the authority aforesaid, that all acts and parts of acts, which are contrary to the true intent and meaning of this act, are hereby repealed and made void. *N. C. L. 1789, 22, 676.*

CHAP. LV. *An act to authorize William M'Clellan, of the county of Rockingham, to extend a mill dam across Mayo river.*

WHEREAS it is represented to this General Assembly, that allowing William M'Clellan to extend a mill dam across the Mayo river, would be attended with great advantage to the inhabitants of that county; and it appearing that the lands on each side of the river where the said mill dam is to be extended, belong to the said William M'Clellan:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that the said William M'Clellan, or his assigns, shall have full power and authority, and they or either of them have full power and authority to extend the dam already erected across the said river to the opposite bank: Provided nevertheless, that the said William M'Clellan do erect a slope of ten feet wide in the deepest part of said river, to be kept open from the twentieth day of February to the last day of April in each year, under the penalty of twenty pounds for each year he may neglect or refuse to keep the said slope in good order for the passage of fish, one half to the use of the informer, and the other half to the use of the county.*

CHAP. LVI. *An act to vest the title of a piece or parcel of land, in Granville county, in James Forsyth, and his heirs, in fee simple.*

WHEREAS it appears to the satisfaction of this General Assembly, that James Forsyth did purchase a bond given by Henry Eustace M'Culloch to Alexander Jones, bearing date the 28th day of July, one thousand seven hundred and sixty-three, for a title to a certain tract or parcel of land in Granville county, known by the name of Holden's place, containing two hundred acres, which said bond was assigned over to Robert Harris, and from Robert Harris to James Cash, and from James Cash to James Forsyth; the said land is butted and bounded as follows, to wit, beginning at a stake, Wallace's corner, thence running west two hundred and forty poles to a stake in Philip's line, thence south two hundred poles to a stake in Jones's line, thence north sixty-five degrees east two hundred and

seven poles to a pine, Bottom's corner, then north seventy-five degrees east one hundred and twenty-three poles to the first station; and the said *Alexander Jones* did in good faith pay unto the said *Henry Eustace McCulloh* the purchase money for the said land; and the said *Henry Eustace McCulloh* having since the sale withdrawn himself from this and the United States, and his estate by law hath been confiscated, and hath made no conveyance to the said *Alexander Jones* to vest the said land in him and his heirs in fee simple, by which means he has not been able to make good and lawful titles to those whom he has since sold the same.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing this act, the said two hundred acres of land is declared to be vested in fee-simple in *James Forsyth*, his heirs and assigns forever, in as full and ample manner as if the same had been legally conveyed by *Henry Eustace McCulloh* to *Alexander Jones*, and from *Alexander Jones* to *Robert Harris*, and from *Robert Harris* to *James Cash*, and from *James Cash* to the said *James Forsyth*; any law, usage or custom to the contrary notwithstanding.

CHAP. LVII. An act to empower *Etheldred Ruffin*, *Thomas Branton*, *Willoughby Williams* and *Hymeric Hooker*, the securities of *Benjamin Caswell*, late sheriff of the county of Dobbs, to collect and account for the taxes due from the inhabitants of the said county for the year one thousand seven hundred and eighty-nine.

WHEREAS it appears that the taxes due from the inhabitants of the county of Dobbs for the year one thousand seven hundred and eighty-nine, were not collected by *Benjamin Caswell*, the sheriff thereof, during his continuance in office, and whereas the said *Benjamin Caswell*, in order to quiet his securities and to enable them to make the collection aforesaid, after obtaining from them a bond of indemnity, on the seventh day of July, in the year one thousand seven hundred and ninety, by an instrument of writing under his hand and seal, did relinquish the right of collecting the taxes for the said year, and empowered his said securities to collect and account for the same, who pursuant thereto have proceeded to collect in part the said taxes, and have paid into the public treasury the greater part of the money due from the said *Benjamin Caswell* for the year aforesaid, and are still continuing to collect the balance due; and whereas doubts may arise with respect to the legality of the procedure, and in order to enable the securities finally to collect and settle the same:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the sole collection of the taxes due from the inhabitants of the county of Dobbs for the year one thousand seven hundred and eighty-nine, shall be and is hereby vested in the said *Etheldred Ruffin*, *Thomas Branton*, *Willoughby Williams* and *Hymeric Hooker*, and that they the said securities, or a majority of them, be and are hereby empowered as fully and effectually to collect and account for the said taxes, and on refusal to do so for and recover, and on payment of the money to give discharges to the respective collectors as the said *Benjamin Caswell* could or might have done previous to his relinquishment and power as aforesaid; which discharges from the securities, or a majority of them, and from no other person, shall exonerate the collectors, or be available in law if suit should be brought by the securities for non-payment of the taxes for which they are liable; any law to the contrary notwithstanding.

CHAP. LVIII. An act to establish a town at the place fixed upon for the court house in the county of Surry, and for adding two more commissioners to those heretofore appointed for fixing the public buildings in said county.

WHEREAS it hath been represented to this General Assembly that it is a pleasant healthy situation, and that *Thomas Ayres* and *Moses Ayres* have made a deed in fee simple of fifty three acres of land to *Micajah Oglesby*, *Edward Lovell*, *Charles Smith*, *Henry Speer*, and *William Tyrrel Lewis*, Esquires, for the use of the said county:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the lands so laid off be established a town, agreeable to the scheme and plan thereof, by the name of *Rockford*.

II. And be it further enacted by the authority aforesaid, that *William Thornton*, *Stephen Wood*, *John Thomas Longino*, *Jacob Sheppard*, and *David Humphries*, be and they are hereby constituted and appointed commissioners and trustees for carrying on and regulating the said town; and they shall stand seized of an indefeasible estate in fee simple in the said fifty three acres of land, to and for the uses, intents and purposes hereby declared. And the said commissioners, or a majority of them, shall have full power and authority to meet as often as they shall think proper, to make such regulations as they shall judge most convenient.

III. And be it enacted by the authority aforesaid, that a majority of the commissioners aforesaid shall have full power to sell and dispose of the lots in the said town, make and execute deeds in fee simple to the respective purchaser or purchasers for the same.

IV. And be it further enacted by the authority aforesaid, that respective purchasers of lots shall pay and satisfy the commissioners for whatever sum or sums they may severally incur by purchasing lots from the said commissioners, and in case of neglect of any purchaser to pay the sum or sums that may be incurred as aforesaid, that then in that case the commissioners or a majority of them may commence a suit or suits in their own names, and therein recover judgment. And the said commissioners, as soon as they shall receive the money by the sales as aforesaid, shall pay the same into the hands of the commissioners for letting the public buildings in said county, and be applied towards defraying the expence of the buildings aforesaid. Provided nevertheless, before the said commissioners receive the money aforesaid, they shall enter into bond with good security, in the sum of five hundred pounds, for their faithful application of the money so received by them.

V. And be it further enacted by the authority aforesaid, that in case of the death, refusal to act, or removal out of the

county, of any of the commissioners, the court of the county is hereby empowered to appoint some other person, being a freeholder, in the place of him so dying, refusing to act, or removing as aforesaid, which commissioners or trustees shall have the same power and authority as if he had been appointed by this act.

VI. *Be it further enacted by the authority aforesaid, that William Cooke and Robert Harris, be and they are hereby appointed commissioners, in addition to those heretofore appointed, for fixing and carrying into effect the public buildings in the county of Surry, who shall have the same power and authority, and exercise the same privileges in all respects, as those heretofore appointed by an act for dividing the county of Surry.*

CHAP. LIX. *An act to alter the place of holding the county court of Hyde county, from Woodstock to Bell's bay or Jasper's creek, in said county, and to erect a new court house, prison and stocks.*

WHEREAS it hath been made appear to the satisfaction of this General Assembly, that the court house, prison and stocks in the county of Hyde have been lately consumed by fire, and that the courts of said county are obliged to be held in a private house, which occasions a very great delay of business: and whereas it appears that the town of Woodstock is not the most central and convenient place to erect a court house, prison and stocks in the said county, and that on Bell's bay or Jasper's creek is a far more eligible and convenient place for that purpose.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that Germain Bernard, Benjamin Russel, Michael Peters, Robert Jenett, James Jasper, Reading Blount and Thomas Jordan, be and they are hereby appointed commissioners to fix on the most central and convenient place on Bell's bay or Jasper's creek in the said county of Hyde, to erect a court house, prison and stocks for the use of said county; and they or a majority of them to agree with workmen to build and finish the same thereat; and if one or more of the said commissioners should refuse to act, die or remove out of the said county, then the survivor or survivors shall elect and choose another or other commissioners, in his or their stead.*

II. *The first part of this section obsolete.*

And the said commissioners, or a majority of them, are hereby authorized and required to call for, demand and receive all and every part of the remains of the former court house which may be known to be in the hands of any person or persons whatsoever, and the same to apply to the use of erecting a new one as herein before directed; and if any person who may have any of the remains of the said court house in his, her or their possession, and on application of the commissioners herein before appointed refuse to give up the same, he, she or they so refusing, shall on conviction forfeit and pay the sum of twenty pounds, to be recovered by the said commissioners before any jurisdiction having cognizance thereof, to be applied to the purpose of erecting a new court house, prison and stocks.

III. *Obsolete.*

IV. *And be it further enacted by the authority aforesaid, that the Justices of the said county of Hyde shall at the first court which shall be held after the first day of January, one thousand seven hundred and ninety one, adjourn to the house of Southy Rue, near Bell's bay; and all suits, actions, complaints, pleas and other matters and things before the said court then depending and undetermined, shall stand adjourned and continued accordingly, and all and every person or persons having day in the said court, and witnesses, shall stand bound to appear at the same according to such adjournment.*

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V. *And be it further enacted by the authority aforesaid, that the said commissioners or majority of them, are hereby empowered to sell at public sale, giving forty days previous notice, the lot of ground in Woodstock where the court house formerly stood, and apply the monies arising therefrom to the purpose of erecting and completing a new court house; and should any money remain in the hands of the commissioners after the said buildings are finished and completed, the same shall be applied to the use of the contingent charges of the county.*

CHAP. LX. *An act to empower James Craige, guardian of the orphans of David Craige, of Rowan county, deceased, to sell and dispose of part of the real estate of the said David Craige, for the payment of a debt due by him to the public.*

WHEREAS James Craige, guardian of the orphans of David Craige, deceased, hath represented to this General Assembly that the said David Craige died indebted to the public in a large sum of money, for the purchase of confiscated lands of Henry Eustace McCulloh, equal to the value of his personal estate: and whereas the said guardian hath further represented to the satisfaction of this General Assembly, that it was the intention of the said David Craige to sell and dispose of part of the said lands to pay the public debt, in order to make the better provision for his family:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said James Craige to sell and dispose of three hundred and fifty-five acres of said lands, lying on the south side of the Yadkin river, known by the name of number seventeen, and three hundred and seventy five acres of said lands, lying on the waters of Abbot's creek, known by the number thirty-eight, and to make conveyances in fee-simple for the same to the purchasers thereof, thereby conveying to each purchaser and their heirs respectively, by virtue of the power given by this act, all the right, title, interest, claim and demand whatsoever therein and thereto, of what the said David Craige died seized and possessed: Provided always, that before the conveyance of the said lands, the said James Craige shall give bond with security, in double the estimated value of the lands intended to be sold by virtue of this act, if the security already given for his guardianship, should be judged by the county court of Rowan insufficient for the true and faithful discharge of the trust reposed in him by this act.*

THE END.

A P P E N D I X.

CHAP. XXXV. *An act to ratify and confirm an act, entitled, An act for the regulation of the town of Wilmington, p. 23. also to revive an act, intituled, An act for the regulation of the town of Wilmington.*

I. **W**HEREAS an act, passed at a General Assembly began and held at Newbern on the twelfth day of December, in the year of our Lord one thousand seven hundred and fifty four, and from thence continued, by several prorogations, to the thirtieth day of September, in the year of our Lord one thousand seven hundred and fifty six, intituled, *An act for the regulation of the town of Wilmington*, has been found highly beneficial and convenient to the inhabitants of the said town, and the neighbourhood thereof; and whereas by the separation of this State from Great Britain, and all dependence thereupon, such act must cease and be void, unless ratified and confirmed by the General Assembly of this our independent State;

II. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said act, and every clause and part thereof, perfectly consistent with the constitution of laws of this State, and to far as it stands unrepealed by any subsequent law passed in this State during its dependence on Great Britain, be, and hereby is declared to be in full force and virtue. The rest Obsolete.*

[Passed in November 1777.]

CHAP. XXIII. *An act for the dividing the county of Guilford.*

The rest of this act in N. C. L. 1785, 23, 562, or Obsolete.

IV. **A**ND be it further enacted by the authority aforesaid, that after the passing of this act the said county of Rockingham, shall be continued and remain part of the district of the Superior court of law and equity, usually held for the district of Salisbury; and the said county treasurer of the said county of Rockingham, shall from time to time account for and pay to the public treasurer of this State for the time being, all public levies by him collected, or wherewith he shall stand chargeable, in the same manner and under the like pains and penalties as other county treasurers.

IX. *And be it further enacted by the authority aforesaid, that the court of the said county of Rockingham, shall appoint three jurors to attend at every superior court that shall be held for the said district. [Passed in Dec: 1785.]*

CHAP. IX. *An act to amend an act for dividing Guilford county.*

WHEREAS the place fixed on by the commissioners for erecting the public buildings in the county of Rockingham, is not near the centre, as appears by an accurate survey thereof, by which means many of the inhabitants are put to an unnecessary expence and trouble in attending general musters, elections and other public meetings therein; and it having been represented to this Assembly, that erecting the said buildings in the centre of the said county, would give general satisfaction to the said inhabitants, and the proprietor of such land so lying in the centre, having assented thereto.

I. *Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same, that the courthouse, prison and stocks for the said county of Rockingham, shall be erected and built on the lands of Charles Mitchell, on the east side of Big-Rock house creek; and that Samuel Henderson, John Reagan, Richard Marr, Peter O'Neal and Thomas Masse, Esquires, be and they are hereby appointed commissioners for erecting the said buildings in lieu of those appointed by the aforesaid act; which said commissioners, appointed by this act, are hereby vested with the same powers and authorities, and subject to the same pains and penalties as those heretofore appointed, and the said commissioners are hereby authorized and empowered to contract for one or more acres of land for the purpose of erecting the public buildings on, and they are hereby authorized and required to receive a deed or deeds conveying the said lands to purchased by them, to the Justices of the said county of Rockingham, and their successors in trust for the said county.*

[Passed in January 1787.]

CHAP. XXXVI. *An act for dividing the county of Rowan.*

The first part in N. C. L. 1788, 36, 645.

III. **A**ND be it further enacted, by the authority aforesaid, that nothing herein contained shall be construed to disturb the late sheriffs and collectors of the said county of Rowan, as the same stood undivided, to make distresses for any levies, fees or other dues now actually due and owing from the inhabitants of the said county as it formerly stood undivided, in the same manner as by law the said sheriff or collectors could or might have done if the said county had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner as if this act had never been made; any thing herein contained to the contrary not withstanding.

IV. V. VI. & VII. *Obsolete.*

VIII. *And be it further enacted, by the authority aforesaid; that all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Rowan, shall continue and may be prosecuted to a final end and determination; any thing in this act to the contrary notwithstanding.*

IX. *And be it further enacted, by the authority aforesaid, that the court of the said county of Iredell shall appoint six jurors to attend at every Superior Court that shall be held for the said district.* [Passed in November 1788.]

CHAP. XXXIX. *An act to amend an act, entitled, An act for the promotion of learning in the district of Wilmington*

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WHEREAS an act for the promotion of learning in the district of *Wilmington*, made and ratified at *Hillsborough*, the seventeenth day of *May*, one thousand seven hundred and eighty three, is in many respects defective, and several of the trustees therein named being dead or left the state; and the remainder being a bare majority being too much dispersed to meet with convenience at any one place, the said act cannot be carried into effect; by reason of which the testamentary donation of the late *James Innes*, Esquire, is in danger of being lost: for remedy whereof:

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, that the trustees shall consist of not less than twenty and not more than thirty members, and that *Thomas Clark, John Fergus, John Huske, James Read, Joshua Polts, Frederick Jones, John Swann, John Ablin Campbell, Thomas Craike, Thomas Wright, John Pugh Williams, Henry Wutters, Thomas MacLuine, John Hill, John McKenzie* and *Thomas Younger*, be and they are hereby appointed trustees of *Innes Academy*, jointly with the surviving trustees now in this state appointed by the before mentioned act; and that the said trustees shall be a body politic and corporate, and by the name and title of the President and Trustees of *Innes Academy* shall have perpetual succession, and by the same name shall sue and be sued, plead and be impleaded in all courts whatsoever, and their common seal affixed to any instrument or testimonial, shall be legal testimony in any suit in law or equity.

II. *And be it enacted by the authority aforesaid, that the said trustees, or a majority of them, by the name, style and title of the President and Trustees of Innes Academy, shall have full power and authority from time to time, as they shall see fit and reasonable, to make rules, ordinances and bye laws as to them may appear necessary, for the order and good government of the said academy, and the teachers and students thereof, as well as for the regularity of their proceedings; and such rules, ordinances and bye-laws to alter and change as to them shall seem expedient: Provided always, that such rules, ordinances and bye laws shall be reasonable, and not inconsistent with the constitution of the state.*

III. *And be it enacted, that the trustees by this and the before mentioned act, or a majority of them being met together, shall have full power and authority at their first meeting, or at any subsequent general meeting, if they should deem it necessary, to elect by ballot a sufficient number of persons to be trustees to make the whole number as aforesaid; and if any trustee shall absent himself at two successive general meetings, without assigning a sufficient cause for so doing, he shall be considered as having voluntarily withdrawn himself as a trustee, and his place shall be supplied by a new choice; and no rector, professor or tutor shall be liable to militia duty; provided there are not more than three employed in teaching one branch of literature; nor shall any student of the said academy be obliged to attend at any militia musters.*

IV. *And be it further enacted by the authority aforesaid; that exclusive of a president the said trustees shall choose at their first meeting not less than three vice-presidents, and every trustee who shall have been a president, shall be considered afterwards as one of the vice-presidents; and at any meeting where the president shall happen to be absent, the vice president who shall first appear at that meeting shall preside for the time.*

V. *And be it also enacted, that the said trustees may choose a treasurer without limitation of time, but may remove him at pleasure; but before such treasurer shall enter upon execution of his office, he shall give bond to the President and Trustees in double the value which he may be authorized to receive, and so from time to time as he may be empowered to receive monies, subscriptions, rents or donations, with a condition thereto underwritten, that he well and faithfully pay and account for the same whenever thereto demanded; a copy of every which bond shall be certified by the secretary for the time being, and shall be acknowledged in the court of *New-Hanover* county, where the clerk shall file the same, and be entitled to demand and receive a fee of ten shillings for so doing.*

VI. *And be it further enacted, that the first meeting of the said trustees shall be in the town of Wilmington, on the first day of January after the passing of this act; and all future meetings shall be in the said town until a proper building shall be erected for the academy, and a convenient chamber can be spared for the trustees, and then the meetings shall be held in the academy; and any three members residing in the town giving notice to the other trustees to attend the first meeting, shall be of equal force as if the officers were chosen: Provided always, that after the first meeting the president and trustees shall be authorized to empower any less number than a majority of the whole, to do and perform such acts as they shall deem necessary, so that the funds of the academy shall not be disposed of, or the salaries of the teachers enhanced or diminished: Provided, that they shall not on any account grant degrees or title to such as bachelor or master of arts, or doctor in any faculty: Provided also, that nothing herein contained shall be construed so as to make this one of the academies mentioned in the constitution of this state.* [Passed in November 1788.]

CHAP. LI. *An act to authorise and enable John Colson to return into this state, and exercise the privileges therein mentioned.*

WHEREAS it hath been made appear to the General Assembly, that John Colson, late of Anson county, in this state, did convey and transfer unto his grand children a considerable part of his estate, both real and personal, whereof he stood seized and possessed, and did remove himself out of the limits and jurisdiction of this state, having left considerable debts unpaid and due by him to sundry of the inhabitants of this state: and whereas suits have been commenced against the said John Colson for the recovery of the said debts, by attachment and otherwise, which will tend greatly to oppress and injure the grand children of the said John Colson, by depriving them of their respective donations, unless he should be permitted to return and settle his affairs: for remedy whereof,

Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, it shall and may be lawful for the said John Colson, his heirs, executors, administrators or assigns to sue or be sued, implead and be impleaded, answer or be answered, in any court of record in this state, for all and singular sums of money due to him or owing by him the said John Colson, in any manner whatsoever, by law to the contrary notwithstanding: Provided nevertheless, that nothing in this act contained shall be construed to authorise or enable the said John Colson to commence or prosecute any suit, either in law or equity in this state, until he shall have previously before some Justice of the Peace, or before one of the Judges of the superior court, taken and subscribed an oath of allegiance and fidelity to this state. [Passed in November 1788.]

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